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Cynthia Ellison

April 27, 2006

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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA - NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff,

vs.

CASE NO. 205CV902MHTDRB

AUBURN UNIVERSITY
MONTGOMERY,

Defendants.

~~~~~

DEPOSITION OF

CYNTHIA ELLISON

April 27, 2006  
9:30 a.m.

McPhillips, shinbaum & gill, LLP  
516 South Perry Street  
Montgomery, Alabama

Dawn A. Goodman, Certified Shorthand Reporter and  
Notary Public in and for the State of Alabama at Large

EXHIBIT

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3 APPEARANCES  
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FOR THE PLAINTIFF:

MCPHILLIPS, SHINBAUM & GILL, LLP  
KAREN S. RODGERS, ESQUIRE  
516 S. Perry Street  
Montgomery, Alabama 36101

FOR THE DEFENDANT:

FISHER & PHILLIPS, LLP  
BURTON F. DODD, ESQUIRE  
1500 Resurgens Plaza  
945 East Paces Ferry Road  
Atlanta, Georgia 30326-1125

ALSO PRESENT:

DEBRA FOSTER

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1 Deposition of Cynthia Ellison  
2

3 April 27, 2006  
4 EXAMINATION  
5 BY-MR.DODD:  
6

7 MR. DODD: Q. What's your name?  
8 A. Cynthia Ellison.  
9

10 Q. Where do you live, Ms. Ellison?  
11 A. I live at 1598 Sandstone Court  
12 here in Montgomery, Alabama.  
13

14 Q. How long have you lived there?  
15 A. About five years.  
16

17 Q. I understand you are divorced, is  
18 that correct?  
19

20 A. That's correct.  
21

22 Q. You have one child?  
23 A. I do.  
24

25 Q. That's Courtnei?  
A. Courtnei.  
Q. How old is Courtnei?  
A. Courtnei is 22.  
Q. What does she do?  
A. She's an HR recruiter at Colonial  
Bank.  
Q. Is Colonial Bank here in  
Montgomery?

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- 1 A. It is.  
2 Q. Is she married?  
3 A. No. She is not.  
4 Q. Who is your former husband?  
5 A. Terrell Ellison.  
6 Q. What does he do?  
7 A. He is a full-time pastor.  
8 Q. Is that in Montgomery as well?  
9 A. It is.  
10 Q. What church is he with?  
11 A. New Life Church of God and Christ.  
12 Q. Did you and Terrell only have one  
13 child?  
14 A. We have one living child. I had  
15 a stillborn child.  
16 Q. Any other family? Do you have any  
17 other family in this part of Alabama?  
18 A. No. I have no family in  
19 Montgomery.  
20 Q. Do you have any family in the  
21 surrounding counties of Montgomery?  
22 A. I do not.  
23 Q. We can get a few preliminaries out  
24 of the way. This is the Deposition of Cynthia  
25 Ellison taken pursuant to Notice and Agreement

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1 of Counsel in the case of Ellison versus  
2 Auburn UUniversity Montgomery.  
3

4 Ms. Ellison, have you been deposed  
before?

5 A. I have.  
6

7 Q. How many times have you been  
deposed?  
8

A. Once.  
9

10 Q. Was that in connection with --  
strike that, please.  
11

12 What was your deposition in  
connection with?  
13

14 A. Dillard's Department Store.  
15

Q. Tell me a little bit about that.  
16

A. I worked part time for Dillard's  
for about seven years as a salon coordinator.  
I don't really know what the case was all  
about. I just know some clients claimed that  
they were overcharged. And I had to be  
deposed because as a salon coordinator, I  
accepted the money from the clients and  
bills from the hairdressers.  
23

24 Q. Did the folks who were claiming  
they had been overcharged blame you for the  
overcharge?  
25

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A. No.

Q. Did Dillard's blame you for the overcharge?

A. No.

Q. Do you still work at Dillard's?

A. No. I left Dillard's.

Q. Why did you leave?

A. I took a full-time job.

Q. You understand you are under oath to tell the truth in this deposition?

A. I do understand that.

Q. If you don't understand a question that I ask you, will you let me know so I can try to rephrase it so that you will understand it?

A. I will do that.

Q. If you don't hear the entire question that I ask you, would you let me know so that I can repeat it for you?

A. I will.

Q. If you need to take a break or recess, just let me know and we will get to a stopping point as soon as we can. Is that okay?

A. Okay.

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1 Q. During the course of the  
2 deposition, which probably will go on for  
3 several hours, if you remember something, say,  
4 later in the deposition that means you should  
5 change an answer that you previously gave in  
6 order to make it truthful, will you let me  
7 know that?

8 A. Yes, I will.

9 Q. Did you review anything to prepare  
10 for this deposition?

11 A. I talked to my attorney and prayed  
12 about coming in here.

13 Q. Did you look at any documents?

14 A. I looked at the production  
15 materials.

16 Q. Are those the documents that your  
17 lawyer sent to me, the ones you gave your  
18 lawyer?

19 A. I have no idea.

20 Q. Give me an idea of what documents  
21 they were.

22 A. Well, my affidavit.

23 Q. Okay.

24 A. And the -- I believe the EEOC  
25 charge.

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1 Q. Are these documents that were in  
2 your control?

3 A. Yes.

4 Q. Okay. These are documents you  
5 have given to your lawyer, correct?  
6

7 A. Correct.

8 Q. Other than your lawyer, did you  
9 talk to anyone to prepare for this  
deposition?

10 A. I did not.

11 Q. Do you have any medical condition  
12 that would prevent you or hinder you in  
13 answering any of the questions I ask you  
14 today?

15 A. No, sir.

16 Q. Are you involved in any community  
17 activities?

18 A. Just church-related activities.

19 Q. Church related?

20 A. Uh-huh.

21 Q. What church do you attend?

22 A. Harris Temple Church of God and  
23 Christ in Elba, Alabama.  
24

25 Q. Are you on the vestry, or do you  
hold an office in the church?

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A. I am a member of the Board of Trustees, and I am the Church Secretary. And I work with the youth and Sunday School.

Q. Are there any other church-related activities that you participate in?

A. From time to time when something comes up I may volunteer for a particular activity.

Q. An example of that would be something like a youth outing?

A. Youth outing, or we have what we call District Conferences. I would volunteer to do whatever the function called for. It may be providing food. It may be transportation. Whatever I think I can do.

Q. You weren't in the military service, were you?

A. No, I was not.

Q. Do you have any relatives currently working at Auburn University Montgomery?

A. No.

Q. Did you have any relatives previously working there?

A. No. I'm sorry. My daughter worked there.

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1 Q. Courtney?

2 A. Before she graduated she worked  
3 there, yes.

4 Q. What did she do there?

5 A. She was a student assistant for  
6 the Center for Business.

7 Q. Was she a work study student?

8 A. No.

9 Q. She had a job?

10 A. Uh-huh.

11 Q. Who is Faye Ward?

12 A. Faye Ward was the Assistant  
13 Director of Human Resources:

14 Q. Are you related to her at all?

15 A. I am not.

16 Q. Did Faye Ward give you any  
17 information about this case?

18 A. She did not.

19 Q. Do you know if Faye Ward gave your  
20 lawyer, or anybody else, information about  
21 this case?

22 A. She did give my lawyer an  
23 affidavit statement.

24 Q. Do you know who prepared that  
25 affidavit?

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A. My attorney and Faye, I guess.

Q. Did you ask Faye to give you any documents --

A. I did not.

Q. -- related to this case?

A. No, sir.

Q. Did Faye Ward volunteer to give you any documents related to this case?

A. She did not give me any documents.

Q. Do you know if she gave anybody any documents, other than the affidavit?

A. I do not know.

Q. Do you have any current medical problems?

A. I do.

Q. What do you have?

A. I have rheumatoid arthritis and osteoarthritis.

Q. Are you getting treatment for those conditions?

A. Yes, I am.

Q. Do you have any current psychological problems?

A. I do not.

Q. Do you have any current emotional

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1 problems?

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2 A. No.

3 Q. Other than the rheumatoid arthritis  
4 and osteoarthritis, do you have any other  
5 medical conditions?

6 A. Not that I know of.

7 Q. Do those conditions restrict your  
8 activities in any way?

9 A. Sometimes.

10 Q. Can you give me an example?

11 A. Well, the condition -- the  
12 rheumatoid is in the shoulders and the  
13 wrists. So sometimes I am not able to pick  
14 items up. It doesn't matter how heavy or  
15 how light they are. The osteo, of course,  
16 prevents me sometimes from getting up right  
17 away in the mornings.

18 Q. Forgive my ignorance. Is  
19 osteoarthritis a back --

20 A. Well, actually it's bones.

21 Q. Okay. Do you attribute either of  
22 those conditions to work-related issues?

23 A. I do not. The doctors think that  
24 the rheumatoid was contracted from the many  
25 chemotherapy drugs that I was on for my

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1 cancer surgery. After my cancer surgery  
2 because that was one of the side effects.  
3

Q. Your answer is "no"?

A. No.

Q. Have you had any psychological or  
6 psychiatric difficulties in the past?  
7

A. I have not.

Q. When did you resign from Dillard's?

A. I believe my effective date was  
10 February -- the last day of February because  
11 I started my new job March 1st.

Q. Of what year?

A. This year.

Q. Where was the Dillard's location  
15 where you worked?

A. Eastdale Mall.

Q. East what?

A. Eastdale, E-a-s-t-d-a-l-e, Mall.

Q. And who was your supervisor there?

A. We -- the last one that was there  
21 was Amy Lyda, L-y-d-a.

Q. Do you know the name of the HR  
23 representative at Dillard's?

A. I don't. I don't think they have  
25 one on site.

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1 Q. Do you know who the general  
2 manager of that Dillard's was?  
3

4 A. Chris Decote.  
5

Q. Can you help me with that?  
6

A. Of course, Chris, C-h-r-i-s.  
7 Decote, D-e-c-o-t-e.  
8

Q. Did you have a set schedule at  
9 Dillard's?  
10

A. Most of the time I did.  
11

Q. Were you working the same number  
12 of hours -- strike that, please.  
13

You worked at Dillard's while you  
14 worked at AUM as well?  
15

A. That's correct.  
16

Q. What hours did you work when you  
17 were also employed at AUM?  
18

A. If I recall correctly, it was  
Monday nights, Wednesday nights, sometimes  
19 Thursday, and then all day on Saturdays.  
20

Q. What hours on Monday and Wednesday  
21 nights?  
22

A. Usually about 5:30 to close, which  
23 would be about 9:00.  
24

Q. If somebody was in the chair,  
25 though, you wait until they are finished,

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1 don't you?

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A. I don't have to wait until they are finished.

Q. What about Thursdays when you worked those days, what were your hours?

A. About the same hours.

Q. The same. Saturday would be?

A. Saturday would be from 7:30 until about 1:00 or 2:00. Or if I did the afternoon, it would be from 12:00 until about 8:00 or 9:00.

Q. Now, after you left Auburn University Montgomery, did your hours at Dillard's change at all?

A. They did.

Q. How did they change?

A. They were reduced. I reduced my hours.

Q. Why did you do that?

A. Well, because the salon started off with 40 hairdressers and we ended up with about five or six and they didn't need me to give them as many hours.

Q. How many hours were you giving them?

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1 A. Probably about 12. Anywhere from  
2 12 to 15 a week, if that many. And they  
3 would call me in if people were out.  
4

5 Q. When would you say that the change  
6 in the hours occurred at Dillard's?  
7

8 A. I don't really remember, to be  
9 honest.  
10

11 Q. How many hours a week were you  
12 working when -- how many hours a week were  
13 you working at Dillard's at the time you went  
14 to Colonial?  
15

16 A. Probably between 11 and 12.  
17 Q. Your job at Colonial, is it full  
18 time?  
19

20 A. It is.  
21 Q. Does that mean 40 hours a week?  
22 A. Yes, sir.  
23 Q. How were you paid at Dillard's?  
24 By the hour?  
25

A. Hourly.

Q. What was your rate?

A. When I left it was 8.75.

Q. What was your rate, if you recall,  
at the time you left Auburn University  
Montgomery? Your rate at Dillard's?

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1 A. I think it was 8.50.  
2

3 Q. What is your job at the bank?  
4

A. I am the Executive Assistant to  
the Director for Training and Development.  
5

6 Q. And who is that?  
7

A. Melinda Mills.  
8

Q. I'm sorry. What was the last  
name?  
9

A. M-i-l-l-s.  
10

Q. Mills. Okay.  
11

And what is your salary?  
12

A. 30,000 a year.  
13

Q. Congratulations. Were you happy to  
find that?  
14

A. I was happy to work.  
16

Q. Does Melinda know you are here  
today?  
17

A. She does.  
19

Q. Does she know about the lawsuit?  
20

A. I did not go into detail with her.  
21

Q. You just told her you had to give  
a deposition?  
22

A. That's right.  
23

Q. What's the address of the bank  
where you work?  
24

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A. All I know is 1 Court Square,  
Montgomery, Alabama. Colonial Bank, 1 Court  
Square, Montgomery, Alabama.

Q. Now, when you retired from AUM,  
you drew a retirement income from the state  
fund set up for Auburn University, is that  
right?

A. Correct.

Q. How much are you getting out of  
that?

A. \$1,888 a month.

Q. Is that about 20,000 a year, give  
or take?

A. Give or take.

Q. Other than Dillard's and Colonial  
Bank, have you held any employment since you  
left AUM?

A. I briefly worked for my  
rheumatologist for about three or four days.

Q. For a rheumatologist?

A. For my doctor, my rheumatologist.

Q. What did you do there?

A. She hired me to be her  
receptionist.

Q. All right. And you didn't like

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25

that?

A. I couldn't do the work. The files were too heavy for me to pick up. I couldn't put them overhead.

Q. I see. How long did you work there?

A. Probably about three days.

Q. How much did you get paid?

A. I think it was something like \$180, or something like that.

Q. Are you still seeing the same doctor?

A. I am.

Q. Have you been continuously employed with either Dillard's, your physician, or the bank, since your retirement from AUM?

A. Just Dillard's.

Q. I don't mean with each employer at the same time. You have had a job of some kind ever since you left AUM, right?

A. I have had a job with Dillard's since I left.

Q. Were there any periods of time since you left AUM that you were unable to work for whatever reason?

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1 A. There was some days I couldn't go  
2 into Dillard's.

3 Q. Because of your conditions?  
4

5 A. Correct.  
6

7 Q. How many days do you think it  
8 amounted to?  
9

10 A. I honestly don't remember. They  
11 were few because I pushed myself to do what  
12 I need to do.  
13

14 Q. Did you take any vacations during  
15 that time?  
16

17 A. No, I did not.  
18

19 Q. When you were working at AUM, when  
20 did you begin planning on retiring?  
21

22 A. I didn't plan to retire.  
23 Retirement seminars would come to Campus and  
24 those of us who were in striking distance of  
25 retirement, we attended those seminars to find  
out what was being said. And I did attend a  
couple of retirement seminars, as I recall.

Q. What do you mean by "striking  
distance"?

A. You have to have 25 years to  
retire. And I had made the 25-year mark.

Q. You made the 25 years by combining

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1 previous years of service at another  
2 institution?

3 A. That's correct.

4 Q. At what institution was that?

5 A. There were several. I worked for  
6 the Board of Education in Mobile for eight  
7 years. I worked for the University of South  
8 Alabama for two years. I worked for the  
9 University of Alabama in Huntsville for two  
10 years, maybe two and a half. And then I  
11 came to Auburn, AUM, and I worked there for  
12 20 years.

13 Q. You have had total about 32 years  
14 of service?

15 A. That's correct.

16 Q. Did the eight years of Mobile, the  
17 two years at South Alabama, and the two years  
18 at the University of Alabama in Huntsville  
19 transfer over to your account so to speak?

20 A. What transfer? You mean the  
21 monies?

22 Q. The years of service.

23 A. Yes. That was in the same system.

24 Q. Do you have to pay anything for  
25 those years to transfer?

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1 A. No.

2 Q. Did you ever give any thought as  
3 to when you would retire?

4 A. I think we all do, or I did.

5 Q. Tell me about your thinking about  
6 when you would retire?

7 A. I thought about -- I could retire  
8 once I was treated the way I was. And I  
9 didn't want to be in that unsafe environment  
10 any more.

11 Q. You are talking about -- you claim  
12 in this lawsuit that the University forced  
13 you to retire, correct?

14 A. That's correct.

15 Q. Up until that time, had you given  
16 any thought as to when you might retire?

17 A. I had spoken to Dr. Lawal in April  
18 of 2004 when I picked he and his wife up at  
19 the airport. And I told him that I had  
20 enough years to retire, but I was going to  
21 stay two to three years to get him  
22 transitioned into his new position.

23 Q. Is that as definite as you ever  
24 considered your plans to be with respect to  
25 retiring?

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1 A. Absolutely.

2 Q. How many times did you and Dr.  
3 Lawal discuss your retirement?

4 A. After I initially talked with him  
5 in April, we didn't talk about retirement any  
6 more until February when I left.

7 Q. Had you had any discussions with  
8 Bob Elliott about when you might retire?

9 A. Dr. Elliott -- I said to Dr.  
10 Elliott when he retired, "You are you lucky.  
11 I wish I could."

12 Q. Were you not eligible at that  
13 time?

14 A. I may have been eligible, but I  
15 was a single parent. My daughter was in  
16 school, so I wasn't thinking about retiring.

17 Q. Did you ever make any remarks to  
18 anyone that you were going to retire after  
19 Courtney finished school?

20 A. I don't recall.

21 Q. Did you have any discussions about  
22 your retirement with Brad Moody?

23 A. We discussed retirement, yes. I  
24 discussed retirement with Brad Moody because  
25 Debra Foster mentioned that I should retire

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1 after I filed my complaint concerning Allison  
2 Stevens. I came back, and I reported that  
3 to him.

4 Q. You reported what to whom?  
5

6 A. I reported to Brad Moody that my  
7 conversation with Debra Foster was about my  
8 -- "you have enough time to retire, so why  
9 don't you do that."

10 Q. Have Debra -- I'm sorry.  
11

12 A. I'm sorry. I am finished.  
13

14 Q. I don't mean to interrupt you. Go  
15 ahead. I don't want to cut you off.  
16

17 A. I have completed my thought.  
18

19 Q. Have you ever discussed retirement  
20 with Debra Foster before?  
21

22 A. I have not discussed retirement  
23 with her. She brought it up to me.  
24

25 Q. Is that the only time that that  
subject has been brought up between the two  
of you?

A. When I was in her office that time  
is what I recall.

Q. She didn't make any remarks about  
your retirement before that?

A. I really don't remember.

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1 Q. Do you recall ever making any  
2 comments that you want to retire, but you  
3 wanted to have a new job before you did?  
4

5 A. I don't remember making that  
comment.  
6

7 Q. A retiree from AUM is not  
8 penalized, is she, if she goes out and gets  
9 a full-time job? Penalized in the sense that  
10 the retirement benefits are affected?  
11

12 A. Well, I don't know. I know there  
is a cap if you get a state job.  
13

14 Q. Let's not talk about state jobs.  
Let's talk about private sector jobs.  
15

A. And your question was?  
16

Q. You can retire from AUM and get  
whatever you are entitled to based on your  
years of service or highest salary, or  
however the formula works, right? And go out  
and get a job in the private sector and your  
retirement benefits are not affected, right?  
21

A. That's correct.  
22

Q. That's a pretty good deal, isn't  
it?  
23

MS. RODGERS: I object.  
24

MR. DODD: Q. Did you ever hear  
25

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any of the faculty you worked with, or  
administrators you worked with, express their  
desire to retire and get another job?

A. I have heard conversations on  
occasion.

Q. From a purely monetary standpoint,  
an income standpoint, you are better off now  
than when you worked at AUM, are you not?

MS. RODGERS: Object. You can  
answer.

THE WITNESS: I am not. I don't  
think I am better off.

MR. DODD: Q. Why aren't you  
better off?

A. I just started this job. My  
salary was cut in half at AUM.

Q. No. I am just talking about from  
a purely income perspective right now. You  
are making more money from your retirement  
and from your new job than you were at AUM,  
are you not?

MS. RODGERS: Objection.

THE WITNESS: Well, if I sit down  
and add up the figures, I might. I haven't  
sat down and added that up.

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1 MR. DODD: Q. What was your  
2 salary when you left AUM?

3 A. I believe it was 40,900 and  
4 something.

5 Q. Your salary now at the bank is  
6 \$40,000, is it not?

7 A. Thirty.

8 Q. Is it 30? I thought you told me  
9 40 a minute ago.

10 A. No. I said 30.

11 MS. RODGERS: 30.

12 MR. DODD: Q. I misunderstood  
13 you. Your salary is 30. Your retirement  
14 income annually is approximately \$22,650?

15 A. If that's what you calculated.

16 Q. Do you know what it is?

17 A. I know that it's 1,888 a month.

18 Q. Your current income from those two  
19 sources is in excess of \$52,000 a year, is  
20 that right?

21 A. If that's what you just added.

22 Q. Do you disagree with that?

23 A. I am going by your figures is what  
24 I told you.

25 Q. Has anything happened in the two

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1 months that you have worked at the bank that  
2 suggests to you that your employment might  
3 not be permanent there?

4 A. I am too new in the job. I  
5 really don't know.

6 Q. As far as you know, there has been  
7 no event that makes it unlikely that you  
8 would continue in that job?

9 A. I have been there six weeks. I  
10 am still on probation. I don't know what  
11 the future holds.

12 Q. How long have you known Chris  
13 Mahaffy?

14 A. He was there when I came to AUM  
15 in 1984.

16 Q. You knew him for about 20 years?

17 A. About 20 years.

18 Q. Were you ever on good terms with  
19 him?

20 A. I didn't see Chris much. He  
21 taught his classes and went home until he  
22 became Acting Department Head, or Chair of  
23 the Physical Science Department. That's when  
24 I started to see him more.

25 Q. When did he become Acting Chair of

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1 the Physical Science Department?

2 A. It had to be -- I have got to  
3 think a minute here. Let's see.

4 Q. Take your time.

5 A. It had to be in the late Nineties.  
6 Somewhere between, I want to say, '97 and  
7 2000. I'm not real sure.

8 Q. Somewhere in that time frame, do  
9 you think?

10 A. I think.

11 Q. Until that time, did you really  
12 even know him?

13 A. Not really, because he never really  
14 came into the Dean's office.

15 Q. After that time that he became the  
16 Acting Chair, and then I guess the Chair of  
17 Physical Sciences?

18 A. Right.

19 Q. Were you ever on good terms with  
20 him?

21 A. We did our jobs.

22 Q. What does that mean?

23 A. It means that -- how do you define  
24 "good terms"?

25 Q. Well, when did you become on bad

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1

terms with him?

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2

A. During the first search for the  
Dean's position.

3

Q. When was that?

4

A. The first search I think was  
winter semester of 2000 -- winter or spring  
semester of 2002.

5

Q. Is it fair to say that up until  
that time, that search for the Dean, that  
there was nothing about Chris Mahaffy's  
behavior that you complained about?

6

A. I did complain about some of his  
behavior.

7

Q. Let's talk about that. What  
behaviors did you complain about?

8

A. I complained about -- well, he  
would come into the office and not say  
anything. He would just look and stare. He  
would just make inappropriate comments.

9

Q. This is before the first Dean  
search, right?

10

A. Okay. Let me get my --

11

Q. Take your time and let's make sure  
we get the times right. Okay?

12

A. Okay. I am trying to remember

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when the first Dean search was. Well, I never really had any dealings with Chris until he became Department Chair. And I will say that was -- like I said, somewhere in the late Nineties or something. And as Department Chair he would come in and drop off reports, or whatever, and there was just really no interaction really.

Q. Between you and he, right?

A. Correct.

Q. Okay.

A. I have got to think about this.

Q. If we were going to construct a time line, and try as best we can to pinpoint when your objections to Mahaffy's conduct began, it would be sometime after he became Chair of Physical Sciences, correct?

A. Yes. After he became chair.

Q. Whatever that date is. That's the event you recall, right?

A. Right.

Q. Who was the Dean when he became Chair of Physical Sciences?

A. If I'm not mistaken, his interim appointment as Acting Department Head was made

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1 by Joe Hill just before he retired.  
2

3 Q. And was the first Dean search that  
4 you referred to, the search to find a  
5 replacement for Joe Hill?  
6

7 A. Correct.  
8

9 Q. Who served as Acting or Interim  
10 Dean when Joe Hill left?  
11

12 A. Dr. Elliott.  
13

14 Q. Do you recall how long he served  
15 in that capacity?  
16

17 A. I think a little over two years  
18 maybe.  
19

20 Q. He retired, did he not?  
21

22 A. He did.  
23

24 Q. Which again left a vacancy in the  
25 Dean's office, right?  
26

27 A. Correct.  
28

29 Q. Who served after Elliott left?  
30

31 A. Dr. Moody.  
32

33 Q. Do you recall when he started  
34 as --  
35

36 A. Dr. Elliott left December of '02.  
37 And Brad's appointment started actually  
38 December of '02, but he physically came up in  
39 January.  
40

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1 Q. In January?

2 A. '03.

3 Q. How long was Brad Moody Acting  
4 Dean?

5 A. Until Bayo arrived August of '04.  
6 Brad was in the office December of '02  
7 because Bob left before Christmas. So he  
8 would have been there December of '02.

9 Q. When did the search that resulted  
10 in Dr. Lawal's hire begin?

11 A. January or February '03. I'm  
12 sorry. January -- let me get this right.  
13 The search started -- I'm not sure. But it  
14 started shortly after Brad took the position,  
15 I believe. At least one of them did.

16 Q. There were two searches for Deans,  
17 correct?

18 A. Yes.

19 Q. Okay. The first one was to find  
20 a replacement for Joe Hill, is that right?  
21 A. Well, they didn't start that search  
immediately.

22 Q. They started that search at a time  
when Bob Elliott was serving as Dean?

23 A. Right.

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1 Q. Do you recall when that searched  
2 started?

3 A. I'm not sure. I think it was  
4 spring of '02. No. Yes. Spring of '02.  
5 Q. How did that search end?

6 A. It was a failed search. No one  
7 was selected as Dean.

8 Q. When did the search end?

9 A. I don't remember the date it  
10 ended.

11 Q. Do you have any idea of how long  
12 the search took?

13 A. It took about three -- at least  
14 three months or more.

15 Q. Now, did the second --

16 A. I'm sorry.

17 Q. Did the second search start Brad  
18 Moody serving as Dean?

19 A. It did.

20 Q. That was sometime after January  
21 '03?

22 A. Right.

23 Q. Do you recall when Dr. Lawal  
24 accepted the position as the Dean?

25 A. I think it was sometime in -- it

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1 was May or June. I'm not sure. And it may  
2 even be the end of April. I'm not really  
3 sure.

4 Q. Do you have any idea of the  
5 duration of that search?  
6

7 A. The second search?  
8

9 Q. Yes.  
10

11 A. I was on the Search Committee, so  
12 I think it was about -- at least three or  
13 four months.  
14

15 Q. Is it likely that it started about  
16 the first of the year in 2004?  
17

18 A. Yes, it is.  
19

20 Q. Ms. Ellison, when we are talking  
21 about the Deans here, we are talking about  
22 the Dean of the School of Sciences, correct?  
23

24 A. That's correct.  
25

Q. Your job was what?  
A. I was the Senior Administrative  
Associate to the Dean of the School of  
Sciences.  
Q. What was your previous title in  
that role?  
A. Dean's secretary.  
Q. I'm sorry.

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A. Dean's secretary.

Q. Who did your Deans' report to?

A. The Vice Chancellor for Academic Affairs and Student Affairs.

Q. Who was that?

A. Dr. Roger Ritvo.

Q. Was he the Vice Chancellor at all times while Joe Hill, Bob Elliott and Bayo Lawal were Deans?

A. No, he was not.

Q. When did he assume that role? If you know.

A. I don't know the exact date he took the job.

Q. Who was his predecessor?

A. Dr. Nance.

Q. Is that Guin Nance?

A. Uh-huh.

Q. You have to say "yes."

A. Yes. I'm sorry.

Q. Dr. Nance is now the Chancellor, correct?

A. Correct.

Q. Does Roger Ritvo report to Guin Nance?

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A. He does.

Q. Who did Guin Nance report to when  
she was the Vice Chancellor?

A. Dr. Saigo.

Q. How many Departments are there in  
the School of Sciences?

A. Six, seven. Counting the facility  
at Maxwell.

Q. Does each Department have a Chair?

A. Yes.

Q. To whom do the Chairs' report?

A. To the Dean.

Q. How would -- strike that, please.

Tell me how would you describe  
your job?

A. As the Dean's secretary?

Q. Yes.

A. My job included making sure the  
smooth operations of the office flows daily.  
That included answering the phones, doing the  
mail, doing payroll, giving assignments to the  
other secretaries, receiving assignments from  
the other secretaries, making sure that they  
were correct. It included supervising  
anywhere from five or six work study

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1 students. I wrote drafts of memos for the  
2 Deans. Just the normal secretarial duties.  
3

Q. For the Dean, right?

A. For the Dean.

Q. You supported the Dean, right?

A. I supported the Dean.

Q. Is he your boss?

A. Excuse me. I didn't hear you.

Q. Is he your boss?

A. He was my boss.

Q. And your supervisor?

A. Yes.

Q. A minute ago when you were listing some of your activities, you said receiving assignments from secretaries. Did you mean receiving work back from them that you had given them to make sure that it's correct?

A. That's correct.

Q. They weren't giving you tasks to do, were they?

A. Right. I gave them -- well, we had routine tasks that had to be done.

Q. Right.

A. That I had to give out to them and they returned to me to review to see

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25

whether or not it was correct.

Q. That's what you were talking about, right? I mean the secretaries in the School of Sciences were not telling you to do things, right?

A. Correct. I didn't think I had said that.

Q. I'm sorry.

A. I didn't know that I had said that they did.

Q. I wanted to make sure.

A. Okay.

Q. Now, until Chris Mahaffy became the Chair, or Acting Chair of the Physical Sciences, had he ever been violent with you?

A. He had not been violent with me, no.

Q. Have you ever observed him being violent with anyone?

A. I observed him being upset.

Q. How was he upset?

A. After Department Head meetings, sometimes if things didn't go his way, he came out upset.

Q. Let's talk about the time up until

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1 he became Chair.

2 A. Okay.

3 Q. Have you ever seen him become  
4 violent with anyone until that time?

5 A. There was one confrontation that  
6 was reported to the Dean's office between he  
7 and a student in a chemistry lab.

8 Q. What was that confrontation?

9 A. I don't know. It was years ago.  
10 I don't remember. There was a confrontation  
11 and the Dean at the time took care of it.

12 Q. Do you know any details about that  
13 confrontation?

14 A. I don't remember.

15 Q. Do you have any personal knowledge  
16 of that confrontation?

17 A. I was not in the lab when it took  
18 place.

19 Q. Until the time that Chris Mahaffy  
20 became Chair of Physical Sciences, had he  
21 ever touched you?

22 A. No.

23 Q. Have you ever sued anybody else  
24 before?

25 A. I have not.

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1 Q. Have you ever been sued?  
2 A. No.

3 Q. Have you been charged with a  
4 crime?  
5 A. No.

6 Q. Where was your office located?  
7 A. 311 Goodwyn Hall, which was the  
8 Dean's suite.  
9

10 Q. Is that on the third floor?  
11 A. Third floor of Goodwyn Hall.  
12 Q. Can you give me an idea of the  
13 layout of the office?  
14 A. You would come into the office.  
15 To the left there was a seating area. To  
16 the right a copy machine. Then a desk for  
17 the student worker. I added another desk for  
18 a student worker. My cubicle. If you go to  
19 the left, Dr. Owens' office. And the second  
20 left was Dr. Caroline Adams. And directly in  
21 front of my cubicle was the Dean's office.

22 Q. Now, when you say "cubicle," can  
23 you describe what you mean?

24 A. Well, we just had -- it was a  
25 partition between me and the students and the  
incoming traffic to buffer.

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1 Q. And how high was the partition?

2 A. I think we ordered them either  
3 about four or five feet high. I can't  
4 remember.

5 Q. Did you have to stand up to see  
6 out of it?

7 A. I did.

8 Q. You mean it's a solid partition,  
9 right?

10 A. There was maybe a 12-inch glass at  
11 the end, but I had to lean to look up out  
12 of that glass.

13 Q. What was your line of vision when  
14 you looked through the glass?

15 A. I could see the door opening, but  
16 I couldn't see who was coming in until they  
17 actually entered.

18 Q. Could you see into the hallway?

19 A. If I stood up and leaned forward.

20 Q. And leaned forward?

21 A. Well --

22 Q. I know it's hard to describe a  
23 physical layout.

24 A. You could see the hallway from the  
25 -- you could see the hallway from the glass

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1 that's in there. If you take a look you can  
2 see. And depending on how your desk is  
3 turned, and my desk had been in several  
4 positions.

Q. So tell me how you would look into the hall? Would you have to stand up and look around, or look over, or how would you do it?

A. Like that

Q. You are looking around the edge?

A. No.

Q. You are looking through the glass?

A. Right.

Q. Okay. Did you spend most of your day at your desk?

A. It depends on what day of the week it was and what I was doing.

Q. What were your typical hours of work there?

A. 8:00 to 5:00

Q. Now, did you ever have any extra employment at AIM?

A. I did

Q. Tell me about that.

A. I worked for the Center for

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1                   Business doing structured interviews with  
2                   people from the Department of Transportation,  
3                   police officers in Dekalb County, Georgia.  
4                   And when they had other projects come up,  
5                   they would ask me to help.

6  
7                   Q.       Are these projects that have a  
8                   definite starting point and a definite  
9                   termination point?

10                  A.       Yes.

11                  Q.       How long did they typically last?

12                  A.       Anywhere from two days to a week.  
13                  Sometimes, I think one time was a two-week  
14                  period. I'm not sure. It's been a while.

15                  Q.       How would you modify your schedule,  
16                  or did you need to modify your schedule if  
17                  you had one of those assignments?

18                  A.       There was a form that we called  
19                  HR-12. And you had to put on that form if  
20                  you were taking vacation time, or if you were  
21                  going to make it up, or if you were using  
22                  comp time, and you had to put that on there.

23                  Q.       When would you -- say, during a  
24                  typical work day, when did you perform the  
25                  work on these assignments? Do you know what I  
                        mean? Was it between the hours of 8:00 to

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1                   5:00, or was it some other time?  
2

3                   A.     I had to physically be at another  
4                   location to perform the work. I was wherever  
5                   the job was.

6                   Q.     Right. Did these jobs occur  
7                   outside of your normal working hours?

8                   A.     Sometimes they did. Sometimes they  
9                   didn't.

10                  Q.     How would you -- when they  
11                  didn't --

12                  A.     As I stated, there was an HR-12  
13                  form that we had to fill out a block on that  
14                  form stating how we would compensate for the  
15                  time that I was not at my regular job.

16                  Whether it be taking vacation, comp time, or  
17                  making it up.

18                  Q.     They are not going to pay you  
19                  twice, in other words, right?

20                  A.     I don't understand that.

21                  Q.     If you had to go to your other  
22                  assignment during the times that you would  
23                  typically be working in the Dean's office,  
24                  you are not going to get your normal salary  
25                  for working in the Dean's office for that  
                      time, plus the income you make on the

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1

assignment, right?

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2

A. It depends on what you put on your  
HR-12.

3

Q. You can take your vacation, right?

4

A. You could take vacation, or comp  
time, or you can make it up. Whatever your  
supervisor approved.

5

Q. Did Dr. Lawal ever disapprove  
whatever you proposed with respect to these  
other assignments and your time?

6

A. I never had an assignment while  
Dr. Lawal was there with the Center for  
Business.

7

Q. When was your last assignment for  
the Center for Business?

8

A. That ended probably nine to ten  
months before -- at least a year before I  
left.

9

Q. In that year before you left, you  
didn't have any other outside employment at  
AUM?

10

A. Not that I remember.

11

Q. Where did you park at AUM?

12

A. I parked in the parking lot by the  
gym. The parking lots are numbered. I have

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1 Page 47  
2 no idea what that parking lot number is.  
3 Q. How close to Goodwyn Hall did you  
4 park?  
5 A. There was no close parking until  
6 -- I parked in the handicap behind Goodwyn  
7 Hall for about the last eight or nine months  
8 of my employment there. Maybe not even that  
9 long. Before that I parked in the gym  
10 parking lot.  
11 Q. Was your handicap due to your  
12 cancer?  
13 A. My rheumatoid arthritis.  
14 Q. Rheumatoid arthritis. And I assume  
15 you have a state authorization for parking in  
16 the handicap spaces?  
17 A. I do.  
18 Q. I am just curious as to the way  
19 it works in Alabama.  
20 A. Yes, sir.  
21 Q. How far from Goodwyn Hall were the  
22 handicap spaces where you parked?  
23 A. It was outside. This it -- well,  
24 it was outside where the loading dock is.  
25 It was just outside the loading dock at the  
back of the building.

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1 Q. Adjacent to the building right  
2 there?

3 A. Yes.  
4

5 Q. Are you familiar with the AUM  
6 Campus Police Officers?  
7

8 A. I do know some of them. I don't  
9 know all of them.  
10

11 Q. Do you know Nel Robinson?  
12 A. I do.  
13

14 Q. Do you know Craig Sparrow?  
15 A. I don't know him.  
16

17 Q. Do you know R.C.? That's his  
18 first name. I have forgotten his last name.  
19 A. If you call his last name out I  
20 might know him. But I don't know.  
21

22 Q. You knew Nel?  
23 A. Yes.  
24

25 Q. How long have you known her?  
A. Since she came to AUM. I don't  
know how long that's been. I don't know how  
long she has been there.

Q. Would you say you have known her  
for a number of years?

A. Yes.

Q. Do you know that she is the Chief?

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1 A. Yes.

2 Q. The Chief Law Enforcement Officer  
3 at AUM?

4 A. Um-hum.

5 Q. Did you ever have occasion to call  
6 Chief Robinson, or any other individual in  
7 the Police Department, for assistance of any  
8 kind?

9 A. I called on occasion for student  
10 matters sometimes when the need arose.

11 Q. For student --

12 A. For student matters when students  
13 were not doing what they needed to do. And  
14 I was directed to call Campus Police. If we  
15 had students who were being disruptive in  
16 class.

17 Q. Misbehaving students and that sort  
18 of thing?

19 A. Yes.

20 Q. Did you ever have to call any of  
21 the police officers to come unlock a door, to  
22 let you in somewhere, or let anybody else in  
23 a room that's locked?

24 A. I may have over the course of 20  
25 years forgotten my key one time and called

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1 them to let me in.

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2 Q. Do you recall any occasion where  
3 the Police Department or the officers didn't  
4 respond to a request you made of them?

5 A. Not in the matters that I called  
6 about.

7 Q. Did you ever ask them to escort  
8 you to your car?

9 A. I asked for Campus Police security,  
10 and Dr. Lawal said I had to go through Ritvo  
11 to get that.

12 Q. My question, though is, did you  
13 ever ask anybody in the Police Department to  
14 escort you to your car?

15 A. No.

16 Q. Ms. Ellison, are you familiar with  
17 the AUM harassment policy?

18 A. I have read it over the years.

19 Q. Do you recall when you first read  
20 it?

21 A. I don't recall when I first read  
22 it.

23 Q. Do you recall when you last read  
24 it?

25 A. Yes.

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1 Q. When did you last read it?  
2 A.

3 I think I read it at the time  
4 that Dr. Lawal's behavior changed towards me.  
5 And at times that I was reporting these  
6 incidents to HR.

7 Q. Can you give me a time frame,  
8 other than connecting it to somebody else's  
behavior?

9 A. I wasn't accustomed to just pulling  
10 the book out and reading it. So the best I  
11 can tell you would be the fall semester of  
12 2004.

13 Q. Was it closer to the beginning of  
14 that semester, or closer to the end of the  
15 semester?

16 A. Probably closer to the end.  
17 Q.

18 To the end.  
19

20 Do you have an understanding of  
21 the reporting procedures contained in that  
22 policy?

23 A. I don't remember the policy  
24 verbatim.  
25

Q. Do you have any recollection at  
all of the reporting procedures in that  
policy?

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1 A. I would have to read it to be  
2 refreshed, to be honest.  
3

4 Q. As we sit here today, you don't  
5 know what the reporting procedures are?  
6 A. I do.

7 Q. What are they?

8 A. As related to the harassment  
9 policy, you report it to your supervisor.  
10 Q. And what is the supervisor supposed  
11 to do?

12 A. They are supposed to take action.  
13 Q. Is it your understanding that the  
14 supervisor of a person who feels he or she  
15 has been harassed, is the person who is  
16 supposed to remedy, or take action to remedy  
17 the harassment?

18 A. Well, when I say "take action,"  
19 they set in motion the rest of whatever the  
20 policy prescribes. Whether it is take the  
21 complaint to the HR or the EEOC person.  
22 That's what I am saying.

23 Q. Okay. I just want to make sure.  
24 And your supervisor, I think you  
25 said during this time, was Dr. Lawal, right?

A. The last Dean I worked with was

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1 Dr. Lawal.

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2 Q. He started in August of 2004?

3 A. Yes. Can I take a break?

4 MR. DODD: Of course.

5 (Short recess)

6 MR. DODD: Q. Ms. Ellison, did  
7 anyone ever supervise you other than the Dean  
8 of the School of Sciences, whoever that may  
9 have been?

10 A. No.

11 Q. In his role as your supervisor, do  
12 you think that Dr. Lawal had the authority to  
13 discharge you?

14 A. I think so.

15 Q. Did Chris Mahaffy have the  
16 authority to discharge you?

17 A. No.

18 Q. Dr. Lawal certainly had the  
19 authority to assign work to you, did he not?

20 A. Correct.

21 Q. Did Chris Mahaffy have that  
22 authority?

23 A. Department Heads did give me work  
24 to do.

25 Q. What kind of work did Chris

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1 Mahaffy give you to do?

2  
3 A. I assisted with what we call the  
4 Jason Project. There were things that needed  
5 to be done, such as arrangements for the  
6 hiring of extra student workers to work  
7 during that -- I believe it was a one-week  
8 period. And he made the request to the Dean  
9 that I find the students for him.

10 Q. Did the Dean authorize you to do  
11 that?

12 A. Yes.

13 Q. Do you recall if the students that  
14 you found to work on the Jason Project were  
15 the same students who worked in the Dean's  
16 office?

17 A. The students in the Dean's office,  
18 I think there was one or two each time that  
19 would work on the project.

20 Q. On the Jason Project?

21 A. Right. We typically put notes up  
22 in classrooms.

23 Q. Did Dr. Lawal, in your opinion,  
24 have the authorization to reprimand you if  
25 the need arose?

A. Yes.

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1 Q. Did Chris Mahaffy have the  
2 authority to reprimand you?  
3

4 A. He didn't have the authority.  
5

6 Q. Did Dr. Lawal ever give you a job  
7 evaluation? A performance evaluation?  
8

9 A. No.  
10

11 Q. You have had performance  
12 evaluations in the past, though, have you  
13 not?  
14

15 A. For the 20 years I was there, yes.  
16 Q. Is it true that the Dean is the  
17 person who always did those performance  
18 evaluations for you?  
19

20 A. That's correct.  
21

22 Q. How frequently would you say that  
23 you received salary increases at AUM?  
24

25 A. It depended on what went on in the  
legislature. Sometimes we got them every year.  
Sometimes they were every two years. It was  
four years one time.

Q. Did the Dean have the authority to  
determine how much of a raise you would get  
within the parameters that the legislature  
authorized?

A. Yes, he did.

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1 Q. Nobody else had that authority, did  
2 they?

3 A. He could recommend it. Someone  
4 had the authority to strike it down.

5 Q. Somebody above him?

6 A. Correct.

7 Q. Chris Mahaffy didn't have that  
8 authority with respect to your salary, did  
9 he?

10 A. Not my salary, no.

11 Q. Ms. Ellison, you have been the  
12 Dean's secretary the entire time of your  
13 employment?

14 A. Yes.

15 Q. Strike that, please.

16 You were the Dean's secretary the  
17 entire time of your employment at AUM?

18 A. That's correct.

19 Q. You were never promoted to another  
20 job?

21 A. Actually, I got an additional  
22 assignment with the Dean's secretary's job.

23 Q. What is that?

24 A. An advisor to students.

25 Q. How did that come about?

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1                   A.     We needed an Advising Office. I  
2                   was advising students all along about courses  
3                   to take. And while Dr. Moody was Acting  
4                   Dean, he approved the creation of a School of  
5                   Sciences Advising Office and he recognized my  
6                   ability to work with the students. He gave  
7                   information to Dr. Lawal and Dr. Lawal  
8                   carried the recommendation through. And I  
9                   was appointed Senior Administrative  
10                  Associate/Advisor.

11                 Q.     It's additional responsibilities?

12                 A.     Right. I actually had to go to  
13                 the Advising Office to work several hours a  
14                 day.

15                 Q.     And Deans Moody and Lawal are the  
16                 individuals who facilitated that? Recognized  
17                 your skill?

18                 A.     Dr. Moody started it and Dr. Lawal  
19                 didn't change it when he came.

20                 Q.     Was anybody else involved in that  
21                 opportunity for you in terms of approving it?

22                 A.     No.

23                 Q.     It's fair to say, is it not, that  
24                 you have never been demoted while you were at  
25                 AUM?

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A. That's correct.

Q. Did the Dean have to authority to demote you to something else?

A. He was Dean. He had that authority.

Q. You served at the pleasure of the Dean, did you not?

A. Absolutely.

Q. You had no contract of employment, did you?

A. No.

Q. Did you have any co-workers at AUM whom you would consider to be good friends?

A. Ruby Jenkins.

Q. Ruby Jenkins. Anybody else?

A. Not good friends, no.

Q. Other than the incidents involving Allison Stevens and Barbara Ware, did you ever have any sort of confrontation with any co-workers that you would consider significant?

MS. RODGERS: Object.

THE WITNESS: No. And I don't consider a -- I did not have a confrontation with Barbara Ware.

MR. DODD: Q. Let's just call

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them incidents then. Do you recall any confrontations or objectionable incidents with any other co-workers?

A. Not that I recall.

Q. In your job in the Dean's office, were you aware of the salaries of the other staff people in the School of Sciences?

A. Yes. I did the payroll.

Q. Were you the highest paid secretary in the School of Sciences?

A. I was.

Q. Do you know what Title VI is?

A. Title VI, I don't think so.

Q. Do you recall any occasion when Brad Moody secured some funds, federal funds, some of which he used to enhance your salary?

A. They -- I don't know where the money came from. But for the advising, the additional advising responsibilities they gave me an additional \$2,000.

Q. Is that on top of salary --

A. It was included in the 40,000.

Q. Do you contend, Ms. Ellison, that Chris Mahaffy discriminated against you?

A. I do.

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1 Q. Do you contend that any other  
2 individual at AUM discriminated against you?

3 A. I do.

4 Q. Who else?

5 A. Debra Foster, Allison Stevens, Dr.  
6 Ritvo.

7 Q. Did anybody else discriminate  
8 against you?

9 A. That's what I can recall right  
10 now.

11 Q. Do you think there were others?

12 A. I'm sorry. Chris Mahaffy. You  
13 said Chris Mahaffy.

14 Q. We have him. We have Mahaffy,  
15 Foster, Stevens, and Ritvo.

16 A. And Dr. Lawal.

17 Q. Anybody else at AUM discriminate  
18 against you?

19 A. Not that I can recall at this  
20 moment.

21 Q. Do you think there are others, and  
22 you just can't recall them?

23 A. Lots of incidents happened, and I  
24 can't recall every incident.

25 Q. Since you have filed a federal

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1 discrimination lawsuit, you think it's more or  
2 less likely that you would recall who you  
3 contend discriminated against you?

4 MS. RODGERS: Objection.  
5

6 THE WITNESS: Those are the ones  
7 that discriminated against me.  
8

9 MR. DODD: Q. Now, Chris Mahaffy  
10 is white, correct?  
11

A. Yes.

12 Q. Debra Foster is black?  
13

A. Correct.

14 Q. Allison Stevens is white?  
15

A. Yes.

16 Q. Roger Ritvo is white?  
17

A. Yes.

18 Q. And Bayo Lawal is black?  
19

A. Correct.

20 Q. How did Debra Foster discriminate  
21 against you?  
22

23 A. In filing my complaints in the  
24 Human Resource Office with Debra Foster, I  
25 did not receive the same treatment that  
others received. In particular, Chris  
Mahaffy. Chris was allowed a summary report.  
I asked for one, didn't get it.

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1 Q. Let's back up one second. You  
2 said when you filed your complaint. Which  
3 complaint are you talking about?

4 A. Okay. Let's go with the first  
5 complaint. I filed my complaint about  
6 Allison Stevens, who called me a nigger.

7 Q. When did you file your complaint?

8 A. That complaint was filed in  
9 December 2003.

10 Q. Was it in writing?

11 A. Yes.

12 Q. You filed that with Debra Foster?

13 A. Yes.

14 Q. Do you have a copy of that  
15 complaint?

16 A. It should be with my materials.

17 Q. You do have a copy of it?

18 A. Yes.

19 Q. You have got to say "yes."

20 Now, with respect to that complaint  
21 about Allison Stevens that you filed in  
22 December 2003, how did Debra Foster  
23 discriminate against you?

24 A. During the investigation she  
25 interviewed all of the white witnesses. She

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1 did not interview the black witness. And I  
2 should say she didn't interview the black  
3 witness until I called it to their attention,  
4 and Dr. Nance made her go back and do it.  
5

Q. Ultimately she did interview  
6 everybody you wanted her to interview?  
7

A. Not that I wanted her to  
8 interview. Everybody that was party to the  
9 incident.

Q. Did you want her to interview  
11 anybody other than the ones she interviewed?  
12

A. No.

Q. Did Debra Foster discriminate  
14 against you in any other way with respect to  
15 your complaint about Allison Stevens?  
16

A. I think she did. In that I don't  
17 think the investigation was a thorough one.  
18

Q. Why was it not thorough?

A. Because when she called me over --  
20 I'm trying to remember the date. When she  
21 called me over and spoke with me in the  
22 presence of Faye Ward, she said, "I have  
23 never had a complaint like this before. I  
24 really don't know what to do. You know  
25 these people on this Campus are just crazy."

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1           But there were other investigations or  
2           complaints that I'm sure had full attention  
3           of HR. I don't feel like I got due process.  
4

5           Q.       How were you harmed by what you  
6           claim Debra Foster didn't do, or were you  
7           harmed?

8           A.       Well, actually, I was. Because  
9           when things -- when other things started  
10          happening, I didn't have the confidence to  
11          report it to HR because I knew nothing would  
12          be done. So I was affected.

13          Q.       How were you harmed, though? Were  
14          you harmed in your job in any way?  
15

16          A.       Yes. I was harmed because --  
17          well, I had worked there for 20 years and  
18          never had to encounter the type behavior that  
19          was coming at me. And that behavior was  
20          coming at me because I was a black female.

21          Q.       You are talking about Allison  
22          Stevens now?  
23

24          A.       That's right. I even asked Debra  
25          to come over to the area to see what kind of  
            atmosphere I was working in. Because I said  
            to her, "I am working in a hostile  
            environment." She didn't give any

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1 consideration to that. She never came over or  
2 anything.  
3

4 Q. What do you consider a hostile  
environment?  
5

6 A. I consider a hostile environment  
7 one in which you can't successfully do your  
8 work. One that someone has made so  
9 impossible to work in that you are paying  
10 attention to things around you, people around  
11 you rather than the work you can get done.  
12

Q. Did Allison Stevens cause that?  
13

A. Allison and Chris Mahaffy.  
14

Q. We will get to Mahaffy in a  
15 minute. I am concerned right now about your  
16 contention with respect to Debra Foster and  
17 Allison Stevens. Okay?  
18

A. Okay.  
19

Q. Now, you say Debra Foster initially  
20 interviewed only the white witnesses and that  
she didn't do a thorough investigation, right?  
21

A. That's right.  
22

Q. Did she discriminate against you in  
any other fashion concerning the Allison  
23 Stevens incident?  
24

A. What do you mean "any other"  
25

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1 fashion"?

2 Q. Did she discriminate against you by  
3 doing, or not doing else in connection with  
4 that investigation or that incident?

5 A. Right. She did not follow through  
6 with the investigation. She did not do what  
7 she was supposed to do. I was just asking  
8 her to do her job.

9 Q. What did she not do?

10 MS. RODGERS: Object to form.

11 MR. DODD: Q. What do you  
12 contend she did not do?

13 A. She didn't follow through with the  
14 process of interviewing the witnesses. I  
15 complained to Dr. Nance. Dr. Nance redirected  
16 her. And that's when she interviewed the  
17 black witnesses.

18 Q. Ultimately every witness was  
19 interviewed, right?

20 MS. RODGERS: Object.

21 THE WITNESS: Yes.

22 MR. DODD: Q. Now, are you  
23 contending that Debra Foster discriminated  
24 against you because of your race?

25 A. I'm contending that she

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1 discriminated against me in treating me  
2 differently from other cases that she had  
3 investigated.

4 Q. Do you contend that she treated  
5 you differently for any particular reason?  
6

7 MS. RODGERS: Object to form.  
8

9 THE WITNESS: I think she treated  
10 me differently because she just didn't like  
11 me. Now, I am going to be honest with you.  
12

13 MR. DODD: Q. Did Allison Stevens  
14 -- strike that, please.  
15

16 Did Debra Foster -- do you contend  
17 that Debra Foster discriminated against you at  
18 any time after the Allison Stevens incident  
19 was completed?  
20

21 A. During the second investigation  
22 with Chris Mahaffy.  
23

24 Q. Now, which one was that? Which  
25 investigation was that?

26 A. When I complained that Chris'  
27 behavior had changed. His personality had  
28 changed to the point where I was fearful for  
29 being in the office.  
30

31 Q. Is that the -- was that initiated  
32 by your conversation with Roger Ritvo on  
33

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1 November the 30th, 2004, and your subsequent  
2 submission of a memorandum to him?

3 A. That was initiated by his behavior  
4 at the end of the first -- at the failing of  
5 the first Dean search and I reported it to  
6 my supervisors. And I talked to -- well, I  
7 tried to talk to Debra Foster about it, but  
8 I ended up talking to Faye Ward about it,  
9 who referred me back to my supervisors to  
10 follow the right chain-of-command.

11 Q. Let's back up so I can make sure  
12 I am with you here. This was an incident  
13 that occurred before the Allison Stevens  
14 incident, correct?

15 A. Right.

16 Q. You are talking about the first  
17 Dean search, right?

18 A. The first Dean search.

19 Q. Spring of 2002, I think you told  
20 me earlier.

21 A. This was the transition between the  
22 end of the first Dean search. It was at the  
23 end. It was either at the end of spring or  
24 summer because the Dean search had failed.

25 Q. In the year 2002?

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1 A. Let me think a minute.  
2 Q. Okay.

3 A. Okay. The spring search would  
4 have started -- I mean the search would have  
5 started winter and spring of '03. The failed  
6 -- at the end of that spring and the  
7 incident with Allison was in December of '03.  
8 Q. The first Dean search was in 2003?

9 A. The failed part of it. I don't  
10 remember whether it started in 2003, but I  
11 know it ended sometime early in 2003.  
12 Q. The Allison Stevens incident  
13 occurred between the first and second Dean  
14 searches?

15 A. Right.  
16 Q. Let's go back to the first Dean  
17 search then.  
18 A. Okay.  
19 Q. Tell me what happened where you  
20 think that Debra Foster discriminated against  
21 you.  
22 A. Okay. At the end of the first  
23 Dean search when Chris didn't make the short  
24 list, and ultimately he hadn't become Dean,  
25 his behavior changed to the point that I

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1 would come to work in the mornings. He  
2 would be sitting at my desk crying or just  
3 sitting there. That happened several days in  
4 a row saying that I should be Dean. Making  
5 comments about what he could do if he were  
6 Dean. He appeared to me to be unstable, so  
7 I went to the -- okay. I reported it.

Q. You reported it or recorded it?

A. I reported it to the Dean at the  
time.

Q. Who was?

MS. RODGERS: Take your time.

THE WITNESS: I'm trying to get my  
time line right with the Dean searches.  
That's the important thing.

MR. DODD: Q. You told me  
earlier that Brad Moody was Dean from  
December '02 through August '04. The first  
Dean search ended in '03, and Brad Moody was  
the Dean, correct?

A. That's right. Because Glen Ray  
and Brad Moody spoke with Chris about his  
behavior. But in the meantime I had said  
something to Faye Ward in HR. She told me I  
needed to talk to Debra Foster and my

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1 supervisors, but to report it to my  
2 supervisors first.

3 Q. And you did?

4 A. I did.

5 Q. Did you make this report in  
6 writing?

7 A. I put everything in writing.  
8 Let's see. At this time I talked to -- I  
9 had a meeting with Glen and Brad. I spoke  
10 to Faye. And I did not talk to Debra during  
11 that because I didn't think it would help.  
12 I'm getting confused here.

13 MS. RODGERS: You take your time  
14 and answer his questions. If you can  
15 remember, you remember. But don't get  
16 stressed about how much time you are taking.

17 THE WITNESS: Okay.

18 MR. DODD: Q. Let's back up a  
19 little bit. Maybe this will help you.

20 A. Okay.

21 Q. Mahaffy didn't make the short list  
22 for the first Dean search, and obviously he  
23 was not selected?

24 A. Right.

25 Q. That irritated him, did it not?

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1 A. Yes. It sent him over the top.  
2 Q. He was upset that he was not  
3 selected to be Dean, right?  
4 A. He came to me and he told me that  
5 he thought I had something to do it with it.  
6 Q. On occasions after that you  
7 observed him sitting at your desk?  
8 A. Right.  
9 Q. And sometimes he was crying?  
10 A. Right.  
11 Q. You thought that something was  
12 wrong, right?  
13 A. Something was wrong.  
14 Q. What was wrong?  
15 A. He said that he blamed me for not  
16 being selected as Dean. He thought I had  
17 some influence over even the first search.  
18 And I wasn't even on the Committee.  
19 Q. What other behaviors did he exhibit  
20 at that time that disturbed you?  
21 A. His countenance was different.  
22 Q. How so?  
23 A. He looked -- how should I say it?  
24 He didn't look like he had -- his hygiene  
25 was not intact.

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1 Q. His what?

2 A. Hygiene. He wasn't shaven. He  
3 said he had come to the office. He couldn't  
4 sleep at night and he had come to the office  
5 at 4:00 o'clock that morning and came in.  
6 He was sitting there waiting on me.

7 Q. How many times did that occur that  
8 he would be sitting at your desk?

9 A. Two times. The first time was in  
10 the dark. I unlocked my office, went in to  
11 go to my desk. Flipped the light on and  
12 when I got around to where I was supposed to  
13 sit, there was Chris.

14 Q. All right. Now, you reported it  
15 to Brad Moody?

16 A. I reported it to Brad Moody and to  
17 Glen Ray.

18 Q. Glen Ray was the Associate Dean,  
19 was he not?

20 A. Right.

21 Q. He reported to Brad?

22 A. Right.

23 Q. You think you put it in writing  
24 because you put everything in writing?

25 A. Well, I didn't say I put

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1 everything in writing. I say what I said  
2 earlier. There was so many incidents that I  
3 don't remember all of them. I do remember  
4 that every time an incident happened I  
5 reported it to the proper person.

6 Q. But you also did not report it to  
7 Debra Foster, correct?

8 A. I reported it to HR. I did talk  
9 to Faye Ward.

10 Q. You didn't talk to Debra Foster --

11 A. Not at this time.

12 Q. Because you didn't think it would  
13 help, right?

14 A. I didn't.

15 Q. At least with respect to that  
16 incident, Debra Foster could not have  
17 discriminated against you because you didn't  
18 report it to her, right?

19 MS. RODGERS: Object to form.

20 THE WITNESS: Okay.

21 MR. DODD: Q. Do you agree with  
22 that?

23 A. Okay.

24 Q. Is that a "yes."

25 A. Yes.

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1 Q. Now, you said you talked to Faye  
2 Ward?

3 A. Right.

4 Q. And Faye Ward told you you needed  
5 to go to Debra Foster?

6 A. She said I needed to go back to  
7 the chain-of-command and come back to Debra  
8 Foster, because Debra Foster was the EEOC  
9 person there.

10 Q. And you declined to do that,  
11 right?

12 MS. RODGERS: Object to form.

13 THE WITNESS: I declined --

14 MR. DODD: Q. You declined to go  
15 to Debra Foster?

16 A. I went to my supervisors, yes.

17 Q. Instead?

18 A. Uh-huh.

19 Q. You have got to say "yes."

20 A. Yes.

21 Q. What did Brad Moody and Glen Ray  
22 do with your report?

23 A. At first they didn't do anything.  
24 And when the behavior continued, I told them  
25 that I was no longer willing to work there

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1 unless something was done with Chris.  
2

3 Q. How long after this incident we  
4 have been talking about with Chris, did that  
5 conversation take place?  
6

7 A. At least a couple of weeks. If  
8 not more.  
9

10 Q. Do you know if Brad Moody or Glen  
11 Ray or both of them had any meetings or  
12 discussions with Chris Mahaffy about the  
13 report you made?  
14

15 A. They did meet with Chris.  
16

17 Q. Were you there?  
18

19 A. I was in one of the meetings.  
20

21 Q. How many meetings did they have?  
22

23 A. I can't tell you how many they  
24 had. They had several that I wasn't involved  
25 in.

Q. How many meetings did you attend?  
One?

A. One.

Q. When was that?

A. It was about -- about four weeks  
later, they called me in the office with  
Chris. It was Chris, me -- Dr. Mahaffy, me,  
Glen and Brad. And they told me that Chris

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had agreed that he needed to see somebody. Glen was going to find somebody for him to see. And Glen assured me that he would not let him go alone. That he would go with him.

Q. Do you know Glen's training?

A. He is a psychologist.

Q. Do you know what he meant -- strike that.

Did he tell you what he meant when he said that Chris would see somebody?

A. Yes, he did.

Q. What did he say?

A. Chris was not present. After the meeting was over Glen told me that his wife is also in counseling. I don't know what she does exactly, but that he was going to ask his wife to recommend somebody that Chris could see. And that he was going to be sure that Chris saw that person.

Q. Did you have any understanding of what Glen was talking about?

A. Yes.

Q. What was your understanding?

A. That he was going to see a

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psychiatrist, or psychologist, or whoever. I don't know.

Q. Did you believe that Glen thought that Mahaffy had psychiatric or psychological problems?

A. He told me so. He told me that he thought he had

Q. Did he tell you what condition he thought Mahaffy suffered from?

A. He did not.

Q. Did you ever have an opinion of what condition Mahaffy suffered from?

A. Ever?

MS. RODGERS: Object to form

THE WITNESS: I have no idea. I  
don't know the names of the conditions. I  
just knew he made me afraid.

MR. DODD: Q. Do you believe that he did have a psychological or psychiatric condition of some kind?

A. Based on what Glen said, yes.

Q. What about based on your own observation?

A. Based on my observation I could tell something was wrong. I am not a

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1 doctor, so I don't know that for a fact.  
2 But based on what I observed.

3 Q. Did that conclusion -- did that  
4 result satisfy you?

5 MS. RODGERS: Objection.  
6

7 THE WITNESS: It satisfied me for  
8 the moment that he said he was going to take  
9 him to see somebody, but his behavior didn't  
stop.

10 MR. DODD: Q. Do you know if  
11 he, in fact, took Chris Mahaffy to see  
12 somebody?

13 A. I do not know that for a fact.  
14

15 Q. Ms. Ellison, do you contend that  
16 Debra Foster discriminated against you with  
17 respect to any other investigation or any  
other complaint you raised?

18 A. Not that I raised.  
19

20 Q. Do you contend that she  
21 discriminated against you with respect to a  
22 complaint that anyone raised?

23 A. Well, I do actually.  
24

Q. Tell me about it.

A. Jessie Clayton, who was a black  
student, applied for the -- to be the School

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of Sciences Computing Center Director because the job had become vacant. And I told him to go over to see Debra to see about applying for the job. And he did apply for the job, as well as several others, including Bo Holt, H-o-l-t, who now has the job. And Debra -- well, during the course of the applications and everything that you do for the jobs in selecting the person to be interviewed, Jessie was told by Debra not to make waves because he wasn't being interviewed for the job. To just go back and don't worry about it. And -- well, I talked to Debra about it. And I believe -- well, I believe in every subsequent thing that I had to say or do, she didn't want to hear anything else I had to say. Nothing. Whether it dealt with payroll, or any other personnel matters. Anything.

Q. You kind of lost me here. Let's back up and see if I can understand it. Okay.

When did Jessie Clayton apply for this job?

A. I don't remember.

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1 Q. Do you remember the year?

2 A. It had to be 2002, I believe, or  
3 '03.

4 Q. And Bo Holt is a student?

5 A. 2003. He was a student, yes. He  
6 was a student worker in one of the other  
7 schools.

8 Q. Is he white or black?

9 A. He is white.

10 Q. I'm sorry.

11 A. He is white.

12 Q. He got the job, right?

13 A. He did.

14 Q. Do you think there is something  
15 sinister about that?

16 MS. RODGERS: Object to form.

17 MR. DODD: Q. Do you think there  
18 is something discriminatory about that?

19 A. We changed the job description to  
20 fit his credentials. We took off the  
21 requirement for a Bachelor's Degree at the  
22 request of Debra Foster.

23 Q. Are you suggesting or contending  
24 that Jessie Clayton was more qualified for  
25 that job than Bo Holt?

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1 A. In my opinion he was.

2 Q. How did that affect you, though?

3 A. My conversation with Debra about  
4 how I thought Jessie had been treated, I  
5 think that affected her attitude towards me.

6 Q. And that affected the way she  
7 dealt with you on issues that came up  
8 subsequently?

9 A. That's right.

10 Q. Do you think Debra Foster's  
11 attitude toward you that you have described  
12 has anything to do with the fact that you  
13 are black, or is it more likely that, as you  
14 said earlier, she just doesn't like you?

15 MS. RODGERS: Object to the form.

16 THE WITNESS: I don't know how to  
17 answer that. I guess only she can answer  
18 that.

19 MR. DODD: Q. Do you think that  
20 Debra Foster took any action, or refused to  
21 take any action that needed to be taken about  
22 anything, because you are black?

23 MS. RODGERS: Object to form.

24 THE WITNESS: I can't answer that  
25 either.

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1 MR. DODD: Q. Why can't you  
2 answer that?

3 A. Because what action she takes  
4 depends on what she thinks, not on what I  
5 think.

6 Q. I am just asking if you believe  
7 that.

8 A. Repeat your question.

9 Q. Yes. Do you think that Debra  
10 Foster took any action, or refused to take  
11 any action that she should have taken about  
12 anything, because you are black?

13 MS. RODGERS: Object to form.  
14

15 THE WITNESS: Not because I am  
16 black per se, no.

17 MR. DODD: Q. Ms. Ellison, are  
18 there any other events, complaints,  
19 investigations or incidents involving yourself  
20 and Debra Foster where you think she  
21 mistreated you, or discriminated against you,  
22 other than the ones we have discussed?

23 A. I think she mistreated me during  
24 the Barbara Ware incident.

25 Q. Okay. Tell me about the Barbara  
Ware incident, what you recall?

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A. Well, I don't know much about it myself. I do know that it arose because Barbara was -- I didn't know until later. She was off Campus, and I was getting materials together for payroll. I had to do payroll that next day. I called her office several times. Actually, I think I called the first time looking for Chris, and I didn't get an answer. And I called the second time because I was doing payroll.

Barbara had turned in her time sheet, and she had left Friday on that particular time sheet blank. So I was trying to get in touch with Barbara to find out whether it was going to be leave, or whether she was working, whatever the situation was going to be. Chris informed me the next day that Barbara had taken leave. He had given Barbara permission to leave that afternoon. I was just calling to be sure she wasn't going to be docked for a day's work.

That next day, if I recall correctly, Bayo called me into his office and said that Barbara had filed a complaint with Debra Foster about my calling her office.

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1           And that's all I knew.

2           He says, "All I can tell you is I  
3           have gone over, and I have spoken with Debra.  
4           I read the complaint. The complaint is three  
5           pages long."

6           He says, "We are going to talk to  
7           Barbara, and nothing will come of it."

8           I said, "What do you mean nothing  
9           will come of it?"

10          He said, "Debra and I both read  
11         the complaint, and we feel like it's been  
12         embellished by Chris Mahaffy."

13          Because Barbara had only been there  
14         for several months. I never saw the  
15         complaint. I never fully understood why she  
16         complained. Debra Foster and Bayo Lawal  
17         immediately met with me in the conference  
18         room in the Dean's office and said -- I had  
19         something in writing to give to them to tell  
20         them what occurred. They didn't want it.

21          They said, "Don't worry about this.  
22         This is frivolous. This is something that  
23         Chris has done. She wasn't here long enough  
24         to even know what she had written about in  
25         the complaint." I asked them again at that

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1 time if I could see the complaint. They  
2 refused.

3 After that she said, "If you will  
4 just tell me that you will be mindful of  
5 Barbara's feelings and everything will be  
6 fine."

7 I said, "Well, I will be mindful  
8 of her feelings, but I don't know what's  
9 happening." And that's the way the meeting  
10 ended.

11 Later that afternoon, I believe it  
12 was a student worker from Debra's office,  
13 delivered a letter to Dr. Lawal. I asked  
14 Dr. Lawal was it concerning our meeting. He  
15 said, "Yes." That Debra had sent him a  
16 letter and Barbara a letter. I complained --  
17 or I asked him, "Why did you and Barbara get  
18 a letter, and I didn't get a letter?" I  
19 wrote a memo to that effect to Dr. Lawal  
20 copying Debra Foster. That's all I know  
21 about Barbara Ware's complaint. I was  
22 involved in it, but I really don't know what  
23 the complaint said.

24 Q. Have you ever seen it?

25 A. I have never seen it.

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1 Q. Have you had any disagreements with  
2 Barbara Ware?

3 A. I haven't had any disagreements  
4 with her. The only thing that I can recall  
5 that we may have discussed was that Barbara  
6 wanted to take lunch between 1:00 and 2:00  
7 and 2:00 and 3:00. And because I needed to  
8 know where all the secretaries were, because  
9 the Deans required that, I told her that when  
10 she takes late lunches, she needed to let me  
11 know or transfer her calls to my office.  
12 She didn't like it, and she complained to  
13 Chris.

14 Q. Do you have any idea why she did  
15 not like that?

16 A. No.

17 Q. Do you know if Chris Mahaffy had  
18 given her any different allowances regarding  
19 her lunchtime?

20 A. Neither Chris nor Barbara  
21 communicated anything to me.

22 Q. And tell me now why this is an  
23 issue with Debra Foster because she wouldn't  
24 show you a copy of the letter?

25 A. Because I was mistreated. I was.

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1 lied to. She told me that "This was nothing  
2 and don't worry about it." Then all of a  
3 sudden it became a big deal.

4 Q. Do you have any other complaint  
5 about the manner in which Debra Foster  
6 treated you, investigated the complaint, or  
7 handled anything official?

8 A. I don't think she did her job in  
9 respect to my complaints, as I observed it.  
10 I had to go back, as I said, to Dr. Nance,  
11 at least once, maybe twice, to get her to  
12 investigate the Allison Stevens situation.

13 Q. We talked about that already.

14 A. Right.

15 Q. I am talking about anything new.

16 A. Not Debra Foster that I can  
17 recall.

18 Q. Now, Allison Stevens was a  
19 co-worker of yours, was she not?

20 A. That's correct.

21 Q. She was the secretary for Physical  
22 Sciences?

23 A. Right.

24 Q. She was not a supervisor, right?

25 A. No.

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1 Q. A part of that controversy -- or  
2 the entire controversy had to do with Allison  
3 Stevens using a racial slur with you, right?  
4

5 A. That's what it escalated into, yes.  
6

7 Q. I believe from some of the  
8 documents I have seen that you said she did  
9 not really say the "N" word, but she came  
10 close to saying it.  
11

12 A. She said it enough for me to know  
13 what she said.  
14

15 Q. There is really no difference  
16 between saying it or saying part of it,  
17 right?  
18

19 A. She said it. I heard what she  
20 said.  
21

22 Q. I'm not going to argue phonetics  
23 with you here.  
24

25 A. Right.  
26

27 Q. In your mind, you are certain that  
28 she either said it, intended to say it, but  
29 the meaning was clear, right?  
30

31 A. The meaning was clear.  
32

33 Q. That happened on December the 23rd,  
34 right, 2003?  
35

36 A. It happened in the early part of  
37

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1 the first week of December, yes.  
2

3 Q. Brad Moody was the Dean?

4 A. Yes.

5 Q. Your Dean?

6 A. Yes.

7 Q. Glen Ray was the Associate Dean?

8 A. Correct.

9 Q. And Chris Mahaffy was Allison  
10 Steele's supervisor?

11 A. Stevens.

12 Q. Stevens, sorry.

13 And this event happened, did it  
14 not, when none of those three was in the  
15 office?

16 A. Correct.

17 Q. Perhaps at lunchtime or  
18 thereabouts?

19 A. No. It was -- I'm certain it was  
20 around 10:00 or 10:30 that morning. Randy  
21 Richardson and two students came in and asked  
22 me why Allison's door was closed with a do  
23 not disturb sign on it.

24 Q. And you went to see?

25 A. Right.

Q. Tell me what happened.

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1                   A. I remember that Randy and the two  
2 students that were with him stayed in my  
3 office. There was a student worker there for  
4 me. She was at her desk.

5                   You can gain entry to Allison's  
6 area through our conference room. So rather  
7 than go all of the way down the hallway, I  
8 went through the conference room. I opened  
9 the back side of the door to where Allison  
10 is seated.

11                  And I said, "Randy is in the  
12 office with a couple of students and he needs  
13 to talk to you, but he said there is a do  
14 not disturb sign on the door." I said, "Can  
15 you tell me what's going on?"

16                  She says, "Well, I am putting in  
17 the banner numbers." We have a banner system  
18 for registration, and each secretary would  
19 take their turn entering their numbers for  
20 their particular courses.

21                  I said, "Well, I don't think we  
22 can close the door like this in the middle  
23 of the morning." I said, "If you need time  
24 to do it, you need to either let me know  
25 what's going on and transfer your calls."

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1 Then she turned around and she stood up, and  
2 she just screamed at me.

3 Q. How long did this last?

4 A. Not more than two or three  
5 minutes.

6 Q. In addition to the slur, what  
7 other things did she say?

8 A. She was saying, "You make me sick.  
9 You make me sick. Why don't you retire?  
10 Everybody wants you to retire anyway." She  
11 said a lot of things. At the end of those  
12 things, she said, "You nigger."

13 And I said, "What did you say?"  
14 And that's just the way I said it. I said,  
15 "What did you say?" And I said, "Allison, I  
16 am through with this."

17 So I went back to my office and I  
18 told Randy. I said "She is working in  
19 banner." I said, "But I have taken the sign  
20 off the door. If you need assistance, you  
21 can go back to Allison."

22 Shortly thereafter Mahaffy came in  
23 the office. And I told him what happened and  
24 I told him the things that Allison said and  
25 that she called me a nigger.

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1 Q. Now, what happened that afternoon  
2 with respect to Brad?

3 A. That afternoon there was a meeting  
4 with me, Brad, as I recall Glen and Allison.  
5

6 Q. Was Chris in the meeting?

7 A. Yes. Chris was in the meeting.  
8 And Allison admitted to saying mean and ugly  
9 things. Brad took it to mean -- well, and  
10 then I said, "You called me" and Brad stopped  
11 me in mid sentence and said, "I am not going  
12 to let you and Allison turn this meeting into  
13 going back and forth at each other." He  
14 said, "Allison, you have to work with  
15 Cynthia. Cynthia, you have to work with  
16 Allison. Chris, you need to let Cynthia know  
17 when you have given Allison permission to  
18 close her door and do whatever." That's  
19 pretty much the gist of the meeting that I  
recall.

20 Q. Who called the meeting?  
21

22 A. I believe Brad called it.

23 Q. How did Brad find out about the  
confrontation?

24 A. I assume Chris told him. I didn't  
25 tell Brad then. Or Glen might have told

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1 him. I really don't remember. I know we  
2 had a meeting about it.

3 Q. Until the meeting occurred, Mahaffy  
4 was the only person you had told, correct?  
5 A. That was her supervisor.  
6 Q. But that's the only person you  
7 told, right?

8 A. That's right.  
9 Q. Were you satisfied with Brad  
10 Moody's handling of the meeting?  
11 MS. RODGERS: Object to form.  
12 THE WITNESS: I wasn't satisfied.  
13 Brad was trying to make peace. He wasn't  
14 addressing the issue. Because I still raised  
15 issue that I had been called a name. If you  
16 believe that she said these other things, why  
17 can't you believe she said that. I not only  
18 had issue with Brad with that, I also had  
19 issue with Glen with that. I told them that  
20 I wasn't satisfied.  
21 MR. DODD: Q. Other than the  
22 fact that Allison Stevens said ugly things,  
23 do you know of any reason why they should  
24 believe you that she used the racial slur  
25 over her when she said she didn't?

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1 MS. RODGERS: Object to form.  
2

3 THE WITNESS: Well, I don't know  
4 believe me over her. This wasn't the first  
5 time that Allison had to be told that she  
6 was supposed to adhere to directives and  
7 requests from the Dean's office.

8 We had the same problem with her  
9 when Bobby Elliott was Dean. Bob called a  
10 meeting. At Allison's request, because  
11 Allison wanted to know if I was her  
12 supervisor. And Bob told her that "Yes,  
13 Cynthia is your supervisor." In that I don't  
14 have to evaluate her. "But she is your  
15 supervisor in that she has directives from  
16 me. When she gives those directives, I  
17 expect them to be done." She said to Bob,  
18 "If she is my supervisor, I am going to  
19 quit." She didn't quit.

20 MR. DODD: Q. Is it fair to say  
21 that after the meeting that afternoon on  
22 December the 3rd, 2003, you weren't satisfied  
23 with how it had been handled?

24 MS. RODGERS: Object to form.  
25

THE WITNESS: It's fair to say  
that I wasn't satisfied.

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1 MR. DODD: Q. What did you do,  
2 or did you follow up on the meeting? Did  
3 you file a complaint about it? What did you  
4 do?

5 A. I filed a complaint later.  
6

7 Q. When?  
8

9 A. I think my complaint was dated  
either the end of February or the 1st of  
March. Sometime the 1st of March.  
10

11 Q. And to whom did the complaint go?  
Strike that.

12 To whom did you send the  
13 complaint?  
14

A. Well, I initially contacted Guin  
Nance.  
15

16 Q. Initially?  
17

18 A. I think so, but I didn't -- okay.  
After our meetings. I'm trying to remember  
19 this. Because the investigation didn't come  
20 until later because I know that Guin  
21 requested that I ask Debra to investigate.  
22 And that was either early March or late  
February.  
23

24 Q. Let me see if I understand. You  
25 contacted Guin Nance?

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1 A. I did.

2 Q. About the Allison Stevens incident?

3 A. Well, I contacted Guin Nance  
4 because -- okay. After the meetings with me,  
5 Glen, Chris and Allison and Brad, Glen said  
6 to Allison, "I want you to come to me once a  
7 week and tell me how Cynthia is treating  
8 you." And I thought that was unfair.

9 They also set it up that if I  
10 asked for any work to be done, I made a  
11 request to Allison, but either another faculty  
12 member or Chris would show up and put the  
13 work in the Dean's office and leave.

14 I went in, spoke to Brad, told him  
15 what was happening. At that time I found  
16 out that they, Glen, Brad and Chris had  
17 decided that it would be best for Allison not  
18 to interact with me and have some member of  
19 the faculty, or Chris run interference. And  
20 I -- of course, I was upset.

21 Q. Why did that upset you?

22 MS. RODGERS: Object to form.

23 THE WITNESS: Because I saw that  
24 as being mistreated. I saw that as them not  
25 believing that she had called me a nigger.

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1           But all of that -- after all of that  
2           happened, and I think Allison actually went  
3           to see Glen once a week, I really don't  
4           know. I didn't follow up on that. I just  
5           wanted to do my work.

6           There came a day that -- and I  
7           have never seen the letter or whatever.

8           There was talk that there was a letter on  
9           Campus that went to Dr. Nance that said the  
10          Dean's secretary in the School of Sciences,  
11          another secretary had used the racial slur  
12          toward her. Dr. Nance had an open door  
13          policy.

14          Over the years I have talked to  
15          Dr. Nance about many things, not only Dr.  
16          Nance, but other Vice Chancellors or whatever.  
17          I didn't want my name to be associated with  
18          something that I had not written.

19          So I contacted Guin Nance to let  
20          her know that I was not the author of  
21          whatever this document was. And that if I  
22          had a problem, I would, like I had done in  
23          the past, come to her directly.

24          She responded to me in writing and  
25          said that she appreciated it, but she thought

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1                   that I needed to have Debra investigate.

2                   I responded back to her that I  
3                   didn't really want to talk to Debra because  
4                   Debra didn't do anything. She asked me to  
5                   have Debra investigate anyway. That's when I  
6                   put it in writing, I believe. But those are  
7                   the sequence of events.

8                   Now, the dates would be in that  
9                   December to March window.

10                  MR. DODD: Q. Okay. Up until  
11                  then, that window, December to March 2004, I  
12                  think from what you told me before, the only  
13                  interaction you had had with Debra Foster  
14                  concerning a complaint of some kind was the  
15                  one concerning Jessie Clayton. Were there  
16                  any other others?

17                  A. If I told you that, that was a  
18                  mistake.

19                  Q. You mentioned the first Dean  
20                  search. You told me you didn't go to her  
21                  because you didn't think it would help.

22                  A. But I did report it to HR.

23                  Q. Why, with respect to the Allison  
24                  Stevens issue, did you tell Guin Nance that  
25                  you didn't think it would do any good to

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1 report it to Debra Foster?

2 A. Because it was known around Campus  
3 that Debra started fires. She didn't put  
4 them out.

5 Q. Can you explain that to me?

6 A. People who had gone up to Debra,  
7 they didn't see or get results.

8 Q. Are you saying you wrote that  
9 message to Guin Nance about, "It won't do any  
10 good to go to HR"?

11 A. I met with her personally.

12 Q. Did you tell her that in your  
13 meeting?

14 A. I told her exactly that. I told  
15 her that people thought Debra was starting  
16 fires instead of putting them out.

17 Q. Now, did you tell Guin Nance that  
18 based on what others at the University had  
19 said about starting fires and not putting  
20 them out, or did you tell Guin Nance that  
21 based on your own experiences with Debra  
22 Foster?

23 A. You know, I really believe it was  
24 both. I think I cited some examples to Guin  
25 Nance. And it was a combination of what

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1           others had said. All University people talk.

2           Q.       Did you want the Allison Stevens  
3           incident investigated, or did Guin Nance want  
4           it investigated, or both?

5           A.       It was both. After I had my  
6           meeting with Guin, it was both of us.

7           Because I had been mistreated.

8           Q.       What prompted you to write to Guin  
9           and meet with her? Was it your feeling that  
10          you had been mistreated, or was it the fact  
11          that this anonymous letter had appeared?

12          A.       It was both.

13          Q.       Why did you wait so long before  
14          going to her?

15           MS. RODGERS: Object to form.  
16           Sorry.

17           MR. DODD: Q. Why did you wait  
18          close to three months before you went to Guin  
19          Nance?

20          A.       I don't know that it was three  
21          months, but I took immediate action on what  
22          had happened to me.

23          Q.       How did you take immediate action?

24          A.       I told her supervisor. We met  
25          with the Dean, the Associate Dean.

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1 Q. That was that day, right?

2 A. It was that day or the day after.

3 It was within -- yes.

4 Q. You didn't tell your supervisor  
5 that Allison Stevens had used a racial slur,  
6 did you?

7 MS. RODGERS: Object to form.

8 THE WITNESS: Not that day. No,  
9 not at that time.

10 MR. DODD: Q. Did you ever tell  
11 Brad Moody that Allison Stevens had used a  
12 racial slur?

13 A. I did.

14 Q. When?

15 A. It might have been a couple of  
16 weeks later. I'm not sure.

17 Q. What was the context of that  
18 conversation?

19 A. That was when -- well, he found  
20 out that day because we had that meeting.  
21 He knew she had called me a nigger.

22 Q. How do you know that Brad Moody  
23 knew that?

24 MS. RODGERS: Object to form.

25 THE WITNESS: Well, I told him in

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1 the meeting.

2 MR. DODD: Q. Let me get this  
3 straight. In the meeting on December 3rd,  
4 you told Brad Moody that Allison Stevens had  
5 used the racial slur?

6 A. Okay. I told Chris.

7 Q. I understand that. Okay.

8 A. And it may have been a couple of  
9 weeks later when I told Brad. Because, as I  
10 stated earlier, Brad would not listen to  
11 everything that had been said. He said he  
12 didn't want to hear it.

13 Q. Because he wanted to make peace,  
14 as you said?

15 A. Right.

16 Q. Tell me when you told him that  
17 Allison Stevens had used the racial slur?

18 A. I really don't remember.

19 Q. Did you tell him orally, or did  
20 you put it in writing?

21 A. I told him orally. I did not put  
22 it in writing.

23 Q. Was anybody else present when you  
24 told him?

25 A. I don't remember.

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1 Q. Where did you tell him?

2 A. I'm sure it was in the Dean's  
3 suite. We very rarely met outside of the  
4 Dean's suite.

5 Q. What did he say in response?

6 A. I really don't recall. I think  
7 that's probably why I felt like nothing would  
8 be done. Because they were running  
9 interference between me and Allison.

10 Q. Did you object to that?

11 MS. RODGERS: Object to form.

12 THE WITNESS: I said I did.

13 MR. DODD: Q. Because you felt  
14 you were being mistreated?

15 A. Right. And not believed.

16 Q. Isn't it also true that that  
17 prevented Allison from verbally attacking you  
18 again?

19 A. Allison had free course to do  
20 whatever she wanted to do.

21 Q. Did she ever verbally attack you  
22 again?

23 A. I don't recall us having any  
24 incident after that.

25 Q. Ms. Ellison, did you contact Guin

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1 Nance because you got wind of this anonymous  
2 letter or because you wanted an investigation  
3 performed?

4 MS. RODGERS: Object. Asked and  
5 answered.

6 THE WITNESS: I have already  
7 answered that.

8 MR. DODD: Q. Help me out. I  
9 am just feeble. Did you say both?

10 A. I did.

11 Q. Why after the passage of that much  
12 time, did you want an investigation at that  
13 time?

14 MS. RODGERS: Object to form.

15 THE WITNESS: Because nothing had  
16 been done.

17 MR. DODD: Q. What did you want  
18 done?

19 MS. RODGERS: Object.

20 MR. DODD: Do you want to take a  
21 break?

22 A. My leg. I can stand here. I  
23 just need to stand up a minute.

24 Q. What did you want done?

25 A. I wanted the University to know

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1                   that I had been mistreated, and I wanted them  
2                   to investigate it. I had no preconceived  
3                   idea of what the end of the investigation  
4                   would be.

5                   Q. Now, Brad Moody did investigate the  
6                   incident, did he not?

7                   A. Yes.

8                   Q. And Debra Foster also investigated  
9                   the incident, did she not?

10                  A. Yes.

11                  Q. Do you know what Brad Moody's  
12                  conclusions were?

13                  MS. RODGERS: Object to form.

14                  THE WITNESS: Do I know what his  
15                  conclusions were?

16                  MR. DODD: Q. Yes.

17                  A. I think his conclusions were the  
18                  same as to what they thought in the  
19                  beginning. That I didn't call her her a  
20                  nigger.

21                  THE COURT REPORTER: You just said  
22                  that you didn't call her.

23                  THE WITNESS: I mean, she didn't  
24                  call me a nigger. I'm sorry. Thank you.

25                  MR. DODD: Q. What were Debra

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1 Foster's conclusions?

2 MS. RODGERS: Object to form.

3 MR. DODD: Q. If you know.

4 A. Well, when I talked to her and she  
5 took my statement. She pretty much told me  
6 what her conclusion would be.

7 Q. Do you know what her ultimate  
8 conclusions were?

9 MS. RODGERS: Object to form.

10 THE WITNESS: She sent me a letter  
11 and Allison a letter saying that we should  
12 respect each other. Basically, that's what it  
13 said. It was a two or three sentence  
14 letter.

15 MR. DODD: Q. Were you aware if  
16 anybody investigating the Allison Stevens  
17 incident was able to corroborate what you  
18 said about Allison calling you --

19 A. I wasn't in any other meeting, so  
20 I don't know.

21 Q. I am just saying if you were  
22 aware. If you are not aware, you are not  
23 aware.

24 A. I am not aware.

25 Q. Do you know if all of the

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1 potential witnesses to the incident were  
2 interviewed?

3 A. Well, as I stated earlier, Nikki  
4 was not. She was my student worker.

5 Q. Do you know if she was ultimately  
6 interviewed?

7 A. Ultimately.

8 Q. That's what I mean. By the end  
9 of the investigation, do you know if there  
10 was any witness who had not gone  
11 uninterviewed?

12 A. Well, actually the investigation  
13 had ended as she interviewed Nikki after the  
14 investigation.

15 Q. Do you know if Nikki's interview  
16 changed the result?

17 A. It did not.

18 Q. How did Roger Ritvo discriminate  
19 against you?

20 Do you want to take a break?

21 THE WITNESS: I think I need to.

22 MR. DODD: Let's take a break.

23 (Whereupon, the luncheon recess was  
24 taken from 12:05 o'clock p.m. to 1:00 o'clock  
25 p.m.)

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1                   AFTERNOON SESSION  
23                   MR. DODD: Q. Ms. Ellison, who  
4                   is Mack Jenkins?

5                   A.        He is Ruby Jenkins' husband.

6                   Q.        His name and Ruby Jenkins' name  
7                   appear on a list of individuals as part of  
8                   the initial disclosures that we have to file  
9                   with the court.

10                  A.        Okay.

11                  Q.        Do you know why -- strike that.

12                  What information do you think Ms.  
13                  Jenkins has concerning your case?14                  A.        Well, the day after I was escorted  
15                  off Campus, Mack came to Campus that next day  
16                  because of what was happening in the office  
17                  and he took me to lunch. And I discussed  
18                  with him what was happening with me and Dr.  
19                  Lawal. With me and Chris. And he gave me  
20                  some advice. He is a minister.

21                  Q.        What advice did he give you?

22                  A.        He told me to be sure that I had  
23                  documented everything. All of the treatments,  
24                  the mistreatment that I thought I had  
25                  received. He told me to pray about it. He,  
                        in fact, also said to be sure you get

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1 security.

2 Q. You get what? I'm sorry.

3 A. Security.

4 Q. Security where?

5 A. For my work area.

6 Q. Tell me again what day this was?

7 You lost me there.

8 A. Our meeting with Mr. Ritvo was  
9 January 31st. So this was the day after,  
10 which would have been February 1st. It had  
11 to be the 1st or 2nd.

12 Q. When you said that you were  
13 escorted off Campus, what did you mean by  
14 that?

15 A. Dr. Lawal informed me when I  
16 arrived to work on January 31st that Dr.  
17 Ritvo thought it was advisable for him to  
18 take me off Campus while they were meeting  
19 with Chris.

20 Q. Dr. Lawal is the person you say  
21 was the person who escorted you off Campus?

22 A. Right.

23 Q. Did y'all go to lunch?

24 A. Yes.

25 Q. Was it Ritvo or Lawal who said you

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1           guys need to leave Campus and go to lunch  
2           together?

3           A.       He told me that the request had  
4           come from Dr. Lawal. Dr. Lawal told me that  
5           Dr. Ritvo had made the request for him to  
6           take me off Campus.

7           Q.       Did he say why?

8           A.       His terminology was that it was  
9           advisable for me to leave Campus.

10          Q.       You met with Mack Jenkins the next  
11          day?

12          A.       The next day, or the day after.  
13          It was shortly after that.

14          Q.       And you went to lunch with him?

15          A.       I went to lunch with he and his  
16          wife.

17          Q.       Ruby?

18          A.       Uh-huh.

19          Q.       I assume that you told Mack  
20          Jenkins about your circumstances at AUM?

21          A.       I told him as much as I could  
22          tell him at the lunch hour.

23          Q.       Do you believe that the extent of  
24          his knowledge about your circumstances at AUM  
25          is limited to what you told him?

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1 A. Yes.

2 Q. Do you know if he has any  
3 firsthand knowledge of anything that was going  
4 on at AUM?

5 A. He is not an employee at AUM, so  
6 he would not have firsthand knowledge.

7 Q. Did he suggest that you seek any  
8 sort of assistance, whether it be spiritual,  
9 legal, medical, psychological?

10 A. He was providing the spiritual  
11 assistance.

12 Q. How many times did you see him for  
13 spiritual assistance?

14 A. Well, I saw him that day.

15 Q. Did you see him any other times  
16 for spiritual assistance?

17 A. What do you mean?

18 Q. About your circumstances at AUM.

19 A. No.

20 Q. Just that one time?

21 A. Uh-huh.

22 Q. You have got to say "yes."

23 A. Yes. I'm sorry.

24 Q. Now, why is Ruby Jenkins on your  
25 list?

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1           A.       Ruby is on my list because every  
2           single incident after it happened I shared it  
3           with her. I didn't share it with her in  
4           writing. I was upset, and I needed to talk.  
5           And I was afraid and I didn't know what to  
6           do. She had been there for 20 years. I  
7           told her.

8           Q.       Do you believe that she has any  
9           firsthand knowledge of any of the  
10          circumstances you are complaining about?

11          A.       She has firsthand knowledge of  
12          Chris' behavior.

13          Q.       Which particular behaviors, do you  
14          know?

15          A.       The behaviors of coming into the  
16          office before day in the morning waiting for  
17          me.

18          Q.       Where is Ruby's office?

19          A.       She is on the second floor.

20          Q.       How would she know if Chris  
21          Mahaffy was sitting at your desk on the third  
22          floor in the wee hours of the morning?

23          A.       Okay. I thought the question was  
24          the behavior pattern. He actually had Campus  
25          security open her office before morning when

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1           she was on the Search Committee and he left  
2           flowers on her desk. So when I told her  
3           about what happened to me, there is no way  
4           she should question what happened.

5           Because --

6           Q.       Something similar had happened to  
7           her?

8           A.       That's right.

9           Q.       Her knowledge of the incident you  
10          just described with him sitting at your desk,  
11          comes from what you told her?

12          A.       Right.

13          Q.       What other conduct of Mahaffy do  
14          you think she has firsthand knowledge of?

15          A.       You would have to ask her. I'm  
16          really sure she could tell you fully herself.  
17          Because I would be telling you what she told  
18          me.

19          Q.       Is that the extent of -- what we  
20          have just described, the extent your knowledge  
21          about what she knows?

22          A.       It's not the extent of my  
23          knowledge. But what I know would be hearsay,  
24          I guess. I don't know.

25          Q.       Now, Keith Ellison was on your

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1 list?

2 A. Yes.

3 Q. Why is he on your list?

4 A. He is my pastor.

5 Q. What information do you think he  
6 has about this case?

7 A. I have discussed in depth with him  
8 on Sundays after service what's been happening  
9 to me at AUM.

10 Q. Were you seeking some sort of  
11 assistance from him?

12 A. Spiritual guidance.

13 Q. Are you still seeking that from  
14 him?

15 A. Every Sunday I go to church.

16 Q. Are you still seeking spiritual  
17 guidance from him concerning this lawsuit?

18 A. I have talked to him about it,  
19 yes.

20 Q. How many times have you talked to  
21 him about it?

22 A. Numerous times. I don't have a  
23 number.

24 Q. You don't keep records of stuff  
25 like that?

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1 A. No. I'm not sitting there taking  
2 notes when I talk to him about my situation.

3 Q. Where is his church located?

4 A. Elba, Alabama.

5 Q. Is there a street address?

6 A. There is, but we use the P.O. Box  
7 159, 36323.

8 Q. That's your church, right?

9 A. 36323.

10 Q. That's your church, right?

11 A. Yes, it is.

12 Q. You told me what it was earlier in  
13 the deposition, didn't you?

14 A. Yes, I did.

15 Q. What advice did he give you? What  
16 guidance did he give you?

17 MS. RODGERS: Object to form.

18 MR. DODD: Q. What guidance did  
19 he give you?

20 A. Our Christian belief is to pray.  
21 He told me to be watchful. Report what was  
22 happening to me. And he knew I couldn't  
23 quit my job because I needed to work. So we  
24 discussed having to remain in an environment  
25 that had become conducive to every time my

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1                   door opened I thought it was Chris. When I  
2                   went to the restroom, I am looking around  
3                   because I am looking for Chris. So he  
4                   basically told me to pray and be safe.

5                   Q.         When did you first talk to him  
6                   about your circumstances?

7                   A.         Probably the first -- I don't  
8                   remember exactly the first time. But the  
9                   first time that really concerned me to the  
10                  point where I need to be talking to somebody  
11                  about this is when I arrived to work, and  
12                  this man is in the dark behind my desk  
13                  crying.

14                  Q.         Have you spoken to Keith Ellison  
15                  about the circumstances of your case since  
16                  your departure from AUM?

17                  A.         "Circumstances" meaning what?

18                  Q.         Anything about your lawsuit.

19                  A.         Well, certainly he asked me what I  
20                  did and I told him I did file. Periodically  
21                  he has asked me what's going on and we talk.

22                  Q.         Why is Courtney on your list?

23                  A.         Courtney is my daughter. She can  
24                  attest to the mental anguish that I went  
25                  through at home in the evenings. In fact,

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1                   the night of January 31st after the meeting  
2                   with Ritvo, Lawal, Faye Ward and myself, when  
3                   I asked for security and was refused  
4                   security, I went home that afternoon. My  
5                   lights went out at home and I was afraid to  
6                   the point where I called Courtnei, and her  
7                   boyfriend, to come home because I was afraid  
8                   it was Chris. There was no storm. There  
9                   was nothing. The lights went out.

10                  Q.        Why did the lights go out?

11                  A.        I have no idea. There was no  
12                   accident on the street. All I could think  
13                   of was Chris, because earlier that day he had  
14                   come to my cubicle looking for me.

15                  Q.        You didn't see Chris outside your  
16                   house?

17                  A.        Of course I didn't. I didn't go  
18                   outside my house.

19                  Q.        Now, you said you asked for  
20                   security and your request was denied?

21                  A.        Yes.

22                  Q.        Who did you ask for security?

23                  A.        I asked for security in the  
24                   meeting on the 31st.

25                  Q.        Who did you ask to provide the

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1 security?

2 A. I asked Dr. Ritvo.

3 Q. What kind of security did you ask  
4 for?

5 A. I asked for Campus Police to  
6 secure my area in Goodwyn Hall on the third  
7 floor where I worked.

8 Q. What does that mean? What does to  
9 "secure your area" mean?

10 A. I wanted them to be in the area.

11 Q. Constantly?

12 A. I didn't say constantly. My  
13 request was for Campus security to secure the  
14 area. That's the term we use on Campus.  
15 Campus Police knows their business. They  
16 know what to do.

17 Q. I don't know what that means.

18 Tell me what it means to secure your area?

19 MS. RODGERS: Object the form.

20 Whatever it means to you.

21 THE WITNESS: It means that Dr.  
22 Ritvo would have alerted Campus Police that  
23 Chris' behavior that day was of such that  
24 they needed to come to my area, 311 Goodwyn  
25 Hall, to make sure that this man was not

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1                   there to do me harm. And for several days,  
2                   or however it took thereafter, until something  
3                   happened to resolve the situation.

4                   MR. DODD: Q. What, in your  
5                   mind, does it mean to "secure the area"?  
6                   Does that mean to have an officer stationed  
7                   there with you or what?

8                   A. It means that someone at some  
9                   interval, whatever they determined was  
10                  necessary, because they knew the capabilities  
11                  of Chris. They were to determine. Do you  
12                  patrol every 15 minutes, or do you patrol  
13                  every two hours, four hours; five hours. It  
14                  really doesn't matter at this point because I  
15                  didn't get it.

16                  Q. And nothing happened either, did  
17                  it?

18                  MS. RODGERS: Object to form.  
19                  Argumentative.

20                  THE WITNESS: Yes. Something  
21                  happened. Chris came back staring at me.

22                  MR. DODD: Q. Is that all he  
23                  did, stare at you?

24                  A. Well, you had to see his face.

25                  Q. Describe it?

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1           A.       His misdemeanor was such that how  
2           dare you report me? How dare you? It was  
3           that kind of -- it was retaliatory. That's  
4           the word I am looking for. It was a  
5           retaliatory situation.

6           Q.       Did he say anything?

7           A.       He didn't have to. His eyes said  
8           it.

9           Q.       He said nothing, right?

10          A.       He said nothing.

11          Q.       This happened one time?

12          A.       There was several times that he  
13          came into the office and just stood and  
14          stared at me.

15          Q.       Give me some dates?

16          A.       On January the 18th after I had  
17          filed the complaint by Dr. Ritvo's request in  
18          December, I met with Debra Foster, Faye Ward  
19          and myself. Debra informed me that Ritvo  
20          asked her to talk to me about the complaint.  
21          I immediately said, "Is Bayo's complaint going  
22          to be considered?"

23           She says, "Ritvo and I have  
24          talked. We are not going to consider his  
25          complaint." Bayo had said to me and to

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1 Debra Foster that because of the things that  
2 were going on he wanted both our complaints  
3 considered together.

4 Give me a minute. All right.  
5 During that meeting Debra asked about the  
6 complaint I had written to Dr. Ritvo. She  
7 asked whatever questions, and I answered them.  
8 After they met with me, and in that meeting  
9 she told me that the only thing Chris had  
10 admitted to saying was that blacks shouldn't  
11 hold responsible positions. And I told her --  
12 and she seemed to me, she seemed to think  
13 that that was all right to say. I expressed  
14 to her that she should be offended because  
15 she was holding a very responsible position.

16 After that meeting she met with  
17 others in the school and that meeting with me  
18 was, I think, either December the 16th or  
19 December the 14th. In that meeting she told  
20 me she would be meeting with Chris. She  
21 would be meeting with Brad, Bob Elliott and  
22 Judd Katz to ask them about Chris' behavior  
23 and whether or not they -- well, just what  
24 they thought about Chris. I don't know what  
25 all she was going to ask.

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1                   I think I got off track. What  
2                   was your question?

3                   Q.        We were talking about the dates  
4                   when Chris Mahaffy showed up in your office  
5                   and have harmed you. You started out by  
6                   saying January the 18th?

7                   A.        Right. Previous to that all these  
8                   meeting had taken place and on January the  
9                   18th I'm sitting at my desk. I feel or  
10                  sense a presence in the office. I look up,  
11                  Chris has on an overcoat, a skull cap and he  
12                  has his hands in the pocket of his overcoat  
13                  and he is standing over me. I asked him  
14                  could I help you. He asked for Dr. Lawal  
15                  and he just -- it appears to me that he  
16                  wasn't there. I don't know how else to say  
17                  it. Then he left my office.

18                  Q.        Who wasn't there?

19                  A.        Chris Mahaffy. I mean he was just  
20                  -- that's the kind of demeanor he had. He  
21                  was just standing trying to intimidate me  
22                  because I had filed a complaint.

23                  Q.        He asked for the Dean, didn't he?

24                  A.        He asked for the Dean, but he  
25                  walked out. Why would you walk up on

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1 somebody with your hands in your overcoat, a  
2 skull cap on, and not say anything. It was  
3 intimidation. It was retaliation because I  
4 had filed a complaint, and he knew I had  
5 filed a complaint.

6 Now, how he knows -- how would he  
7 know that it was me unless Debra Foster or  
8 somebody told him.

9 Q. What other dates did he appear and  
10 stare at you?

11 A. After February the 23rd when Dr.  
12 Lawal showed me a letter that he had received  
13 from Dr. Ritvo. He says, "Chris is not to  
14 bother you any more." Chris came by the  
15 office. Then he came in, and he just stood.  
16 He stared again. He didn't ask for anybody.  
17 He didn't do anything. But it was  
18 intimidating to me. It was in my office.

19 Q. On February the 3rd?

20 A. That was February the 3rd or 4th.  
21 After Dr. Lawal had the meeting with Ritvo,  
22 and I believe Debra. I'm not sure who he had  
23 the meeting with. It might have been Faye  
24 Ward.

25 Q. How long was he in the office?

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1           A.       He wasn't in there more than a  
2           couple of minutes. It's the appearance.  
3           It's the appearance. It's a cliche, but you  
4           had to be there.

5           Q.       Did he say anything?

6           A.       He didn't have to say anything.

7           Q.       Now, what in your estimation would  
8           securing the area have done to deal with  
9           those incidents?

10          A.       Campus Police, had they been  
11          informed about Chris and his behavior, and  
12          the fact that it was directed toward me. A  
13          good Campus Policeman would have just said,  
14          "Hey, how are you doing?" Just to see what  
15          was going on. Because he would have been  
16          informed, look out for Chris in the Dean's  
17          office. I'm assuming they would have been  
18          professional. I'm assuming they wouldn't just  
19          approach them and say, "Are you standing  
20          there staring at Cynthia because she filed a  
21          complaint."

22          Q.       Did you want them to confront  
23          them?

24          MS. RODGERS: Object to form.

25          THE WITNESS: I have said time and

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1 time again I had wanted them to secure my  
2 area.

3 MR. DODD: Q. Is three  
4 walk-throughs a day securing your area?

5 MS. RODGERS: Object to form.

6 THE WITNESS: As I stated earlier,  
7 that would have been up to Campus Police and  
8 Dr. Ritvo and Dr. Lawal because they knew the  
9 nature of what was going on with Chris. I  
10 didn't know completely what was going on.

11 MR. DODD: Q. Do you even know,  
12 Ms. Ellison, whether they considered the  
13 police walk-through of Goodwyn Hall to be  
14 adequate for your concerns?

15 MS. RODGERS: Object.

16 THE WITNESS: I think I have  
17 answered that. I mean, if they didn't talk  
18 to them, I don't know what they could have  
19 considered if they didn't even talk to them.

20 However, they did give Debra  
21 security the same day of the meeting. She  
22 was escorted to her car by Campus Police, not  
23 for just that day, but for the whole week.

24 MR. DODD: Q. How do you know  
25 that?

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1                   A.     Well, again, I'm in a University  
2                   environment and people talk.

3                   Q.     You don't know of that your  
4                   personal knowledge?

5                   A.     I don't know that they did.

6                   Q.     Who told you that?

7                   MS. RODGERS: Object to form.

8                   THE WITNESS: People were talking.  
9                   I don't remember exactly who.

10                  MR. DODD: Q. Do you have an  
11                  idea who?

12                  MS. RODGERS: Object to form.

13                  THE WITNESS: People were talking.  
14                  I'm trying to remember. I don't have an  
15                  idea. Not right now. I'm sure Campus  
16                  Police has a record. I don't know of who  
17                  all knew. I had no idea.

18                  MR. DODD: Q. Isn't it just as  
19                  likely that Debra Foster bumped into one of  
20                  the police officers on her way to her car  
21                  and they walked together?

22                  MS. RODGERS: Object to form.

23                  THE WITNESS: I don't think that  
24                  that was likely, sir.

25                  MR. DODD: Q. You don't have any

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1 personal knowledge to refute that, do you?

2 MS. RODGERS: Object to form.

3 That's argumentative. If you know, whether  
4 the hypothetical situation he just gave you  
5 about what could have happened.

6 THE WITNESS: I mean, there is no  
7 real answer to that. I mean, I have no  
8 idea.

9 MR. DODD: Q. I just want to  
10 make sure that you don't show up later in  
11 this case and say, "I have personal knowledge  
12 that security escorted Debra Foster to her  
13 car." If you don't know of your own  
14 knowledge, your own observation, that that's  
15 the case. That's all I want you to tell me.

16 A. I was not there when she was being  
17 escorted.

18 Q. Your knowledge is based on what  
19 somebody else told you?

20 A. I was not there when she was being  
21 escorted.

22 Q. Is your lack of knowledge based on  
23 what somebody else -- strike that, please.

24 A. Is your belief that she was  
25 escorted based on what somebody else has told

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1 you?

2 A. My belief is based on what someone  
3 else -- what others were saying.4 Q. As we sit here today, you don't  
5 recall who told you that?

6 A. I really don't.

7 Q. That's fine.

8 Why is Kay Johnson on your list?

9 A. Kay Johnson is on my list because  
10 after I filed my complaint, Dr. Lawal's  
11 treatment became retaliatory towards me.12 Q. After you filed your complaint, are  
13 you talking about the one on December the  
14 3rd?

15 A. My lawsuit. What happened --

16 Q. Do you mean your EEOC charge?

17 A. Yes. Well, when I came to see an  
18 attorney, that's the way I know to put it.19 I came to see an attorney. They sent  
20 correspondence to Dr. Lawal. Dr. Lawal  
21 called me in his office, became furious and  
22 said as he was hitting his chest, "You have  
23 done this to me. We should have both waited  
24 until summer and filed suits together and  
25 walked away with a fistful of money, and now

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1                   you have spoiled my plans."

2                   He asked me to get out of his  
3                   office. Not to speak with him any more.

4                   And if I had anything to say to him, send it  
5                   in an e-mail. He just became indignant.

6                   I am the only person other than  
7                   work study students in the office. At that  
8                   point I was fearful of what he was going to  
9                   do. So I view it, and it was retaliating  
10                  against me, because I filed charges or I had  
11                  gone to see an attorney.

12                  Q.         When were your charges filed?

13                  A.         I came to this office on or about  
14                  -- it had to be the end of the first week  
15                  or the beginning of the first week of  
16                  February. And that next day -- or it seems  
17                  the day after, he received a letter. That's  
18                  when he became very angry.

19                  Q.         Was that the letter from Julian  
20                  McPhillips?

21                  A.         Yes. Julian, yes.

22                  Q.         Do you know what day he received  
23                  it?

24                  A.         It was either the 9th, 10th or the  
25                  11th, something like that.